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AN

EXAMINATION

OF THE

PRINCIPLES

OF THE

FRENCH REVOLUTION.

BY A LATE DIGNITARY OF THE

GALLICAN CHURCH.

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TO THE RIGHT HON.

WILLIAM WINDHAM,

SECRETARY AT WAR.

SIR,

THOUGH there be some points in this book to which you may not accede, it is presumed that its contents, in the general, will meet your approbation. Under this consideration it is recommended to your notice, by

SIR,

Your most humble

and obedient servant,

THE EDITOR.

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AN

EXAMINATION

OF THE PRINCIPLES OF THE

FRENCH REVOLUTION.

In the long train of revolutions which form the history of empires, there is not one to be compared with the French. All others were only local and momentary shocks, the effect of which was confined to the transfer of power from one hand to another; or, at most, to a change of the form of a Government. In it foreigners took no interest, any further than as they were connected with the leaders of one party or the other; and whatever was the issue, the agitations of one country shook not the constitution of other states.

The French Revolution hath taken, from its origin, a different character. Without grievances, without pretexts, without visible leaders, in the midst of a profound peace, and under a government the most mild, a nation hath been entirely convulsed by a sudden change of opinions. The most powerful monarchy in Europe hath given way to a philosophical system, the principles of which, being applicable to every people, menace every government. The plan of this astonishing revolution embraces the universe: all nations are invited to enjoy its blessings, or to partake of its disasters.

Hitherto, this system hath not the suffrage of experience in its favour; and though it were certain that posterity would reap the fruits of the crimes and calamities of the present generation, their remote success would not absolve the innovators from the dreadful evils to which they have condemned us. The hope however of such happiness to come is forbidden: the revolution promises to our descendants only what it hath given to ourselves. The real state of France is the necessary consequence of its spirit and its principles; and whilst these principles and this spirit prevail, the laws will continue without force, the passions without control, and property without aught to

secure it. Wherever they penetrate, they will carry with them anarchy, plunder, and crimes.

That this important truth may be seen in its full light, I have undertaken to expose the spirit and principles of the French Revolution. There are throughout Europe, men of understanding, who detest the crimes of our revolution, but imputing them to accidental and local causes, are persuaded that the principles expressed in *the declaration of the rights of man* contain nothing but what is conformable to nature and sound policy; that they have become unfortunate to France, only by the abuse arising from the volatility and thoughtlessness of the Nation, and that other people might easily profit by our lights and our faults to stop in the precise point, whence liberty degenerates into licentiousness.

To these superficial observers I will prove that the revolution and all its horrors have flowed from the false notions and seditious maxims which the people have drawn from this famous declaration; that licentiousness and anarchy are not simple abuses, but the means and necessary consequences of the revolutionary system; that there can be no compounding with the French Revolution, which must either be received with all the disorders and all the crimes that have deluged France with blood; or that the destructive principles must be repelled in favour of which their revolution has been established. I will go back to the ephemeral constitution of the first National Assembly, and conclude this examination of the principles of the revolution, with a transient view of this republic, without constitution, without laws, without government, and which appears to maintain itself no longer than whilst, under a continued change of its forms, anarchy can persist in retaining the name.

Happy! if this weak effort may preserve from contagion those hospitable countries where I have found an asylum from persecution; if it might convince all who have a country, a family, property, that their happiness is inseparable from public tranquility, the stability of government, submission to lawful authority, and, above all, respect for religion. More happy! if the French, at last disabused, after so long an error, might one day admit the doctrine and the sentiments transmitted by their fathers, and which, for fourteen centuries, constituted the happiness and the glory of their nation.

CHAPTER I.

PRELIMINARY REFLECTIONS ON GOVERNMENTS.

MAN was not designed for a wandering and solitary life. The duration and the wants of his infancy, the gift of speech which distinguishes him from other animals, his capacity for unlimited improvement, which can only be developed by intercourse with his fellows, his passions, and even his vices, indicate he was born for society. That state, so improperly called the state of nature, is not natural to man. In savage life he lives in perpetual infancy: the civilized man only attains the maturity of his being. Domestic society is the primary desire of nature; but it is too straitened and weak to suffice for the propensities of man, his wants, and his dangers. The tye of families is relaxed in proportion as it is extended: the authority that ought to constrain them, the force that should protect them, soon disappears, at least when natural families which having a constant tendency to separate, unite only to form a political family. Domestic society is the element of civil society. To the former individuals owe their preservation, and without the latter families could not be continued.

In the formation of political societies, the object is to unite the wills and the interests which the passions have a tendency to divide, to repress individual desires by the general will, to bring back and subject personal interests to the common. The general will is expressed by laws: but the will would be inefficient without a power in society to make it respected. The aggregate of individual energies, says GRAVINA, cited by MONTESQUIEU, forms what is called *the State Politic:* the aggregate of individual wills, *the Civil State.* Without government society cannot subsist, nor can government without a sovereign.

I call that natural or moral person *sovereign,* to whom the constitution hath consigned the right of commanding and con-

straining. This right differs not from the right of governing: but, as it may be confided to one or to many, and as the exercise may be differently modified by the constitution, though the idea of a sovereignty continue the same, the government itself may differ as to forms. These all refer to *despotism*, where one governs without any other law but his will; to *monarchy*, where one governs according to fixed and established laws; to a *republic*, where the sovereign power resides in the people at large as a body, which constitutes a *democracy*; or only in a part of the people, which forms an *aristocracy*. Despotism is simple, because all depends on the will of an individual: monarchy and a republic are susceptible of infinite varieties.

Amongst the different forms of government, there is not one which has not its peculiar inconveniences. Absolute perfection in human institutions is a chimera: governments can admit only of relative perfection. The best is that which agrees best with the climate, character, manners, habits, and prejudices, of a nation. I have given to the Athenians, said Solon, not the best possible laws, but the best they could bear. The older a government is, in general, it is the more perfect: for it is to be concluded that it never could have subsisted so long, but because it either found or has rendered the character of the nation conformable to its principles. Another means of appreciating governments is to examine the state of the people. Internal tranquility and increased population are certain characteristics of a wise and well constituted government.

It must, nevertheless be admitted, that the extreme governments, depotism and democracy, unmixed with aristocracy, are essentially vicious. Despotism, because it annihilates public liberty; pure democracy, because it infallibly leads to anarchy, and, by the excess of liberty, destroys liberty. In one, it is the tyranny of an individual; in the other, the tyranny of the multitude, a hundred times more criminal than that of a despot. The sole good in popular governments, according to BURLAMAQUI, is the liberty they leave the people of choosing better. Personal safety, liberty, property, can only be maintained under moderate governments. A people of gods,

said ROUSSEAU, would govern itself democratically: and to follow the idea, a god who should reign over men would govern them despotically: but when men command men, they should neither admit entire liberty, nor entire servitude.

Moderate governments are those that acknowledge a constitution, that is to say, fundamental laws which fix and restrain the exercise of sovereign power. In every government where no one can be deprived of his goods, liberty, or life, but by a judicial sentence in conformity to the laws, and according to established forms; in every government, where it is permitted to appeal from the arbitrary will of the sovereign to the legal will,—there exists a constitution.

In despotism and in pure democracy there is none, because the despot and the people see nothing above them, and cannot believe themselves bound to day by the will that influenced them yesterday. Monarchical government, in its nature, is not less compatible than the republican with a constitution that precludes the abuse of arbitrary power. For the council or senate of a republic may exercise unlimited power, whilst a monarch hath only a limited authority. In Europe there are despotic aristocracies, and temperate monarchies. It is not precisely from its form that a government is more or less favourable to liberty: it is by its principles, its spirit, its national character, and manners.

But let us take care not to confound an absolute government with a government that is despotic. The characteristic of despotism is arbitrary power: but absolute power is not arbitrary, if there exist in a state fundamental laws which the sovereign cannot change, and against which all that he could do would be null. It is essential to all government to be absolute, that is, in every government authority must overcome resistance. Let authority reside entirely in a popular assembly, in a senate, in a monarch, or but partially, it is requisite that it be sovereign, otherwise there would be anarchy: but it is no less requisite, that, in its exercise, it be subjected to laws and constitutional forms without which it would be despotism.

The constitution of a state may change in two ways, either by violent innovations, or by gradual alterations which time insensibly causes. Violent innovations bring on the ruin of government; insensible alteration tends almost always to strengthen, and often to render it perfect. Till the epoch of the revolution, the constitution of the French monarchy had experienced alterations only of the latter kind. Under the third race, and especially since the reign of Louis le Gros, the authority of the kings had increased at the expence of the power of the grandees; and this increase of the royal prerogative had turned to the advantage of the people, who, under Philip le Bel, acquired the appellation of the States General. The wise policy of our kings, seconded by the national character, by the spirit of religion, by the progress of commerce and of industry, accomplished the destruction of whatever in the feudal government was oppressive. Scarcely did any vestiges remain in the quit-rents or moderate fines, which, for the most part, were but a just acknowledgment of concessions made by the Lords of fiefs to their vassals. The people was become free, because Kings were rendered absolute. Far from corrupting the constitution, such changes improved it. Governments, like all human things, may be perfected by time; nor are those disgusted patriots to be listened to, who, regardless of the wisdom and experience of preceding generations, think to purify governments by bringing them back to their first origin. It is allowable to seek with MONTESQUIEU the first elements of our common law in the forests of Germany: but it is a calumny on our modern government, to be constantly opposing to it, after the example of the Count BOULANVILLERS and the Abbé MABLY, the usages and barbarous laws of the first race.

The different forms of Government are not so distinct as that the one should exclude every property of the rest. Democracy would be soon dissolved, if it were not illuminated by the aristocratic body. Aristocracy, by the concentration of power, approaches to monarchy; and monarchy, by acknowledging the orders or intermediate bodies between the people and the sovereign, is tempered by aristocracy. Despotism itself is

constrained to yield to opinion. It is the religion that in some measure corrects the Turkish constitution.

Some nations have adopted a mixed government, where the principles of the monarchy are balanced by the republican. Such were the constitutions of Sparta and Carthage, such is that of England. But that which suits some people, suits not all. To introduce with success the English constitution amongst us, it would not be sufficient to give us the character, opinions, and habits of Englishmen, but it would be requisite also to seperate France from the rest of Europe, as is England by the sea. Without armies, without garrisons, France would be exposed to invasions; with garrisons and an army, the King would be too powerful, the balance between the three powers would be broken, and the constitution would perish.

It is a general principle, founded in nature, and confirmed by history, that a republican government, democracy especially, is fit only for a small state, because in this government, the springs necessarily multiplied, produce but a slow and feeble action, which cannot extend itself to the extremities of a vast territory. A pure democracy would scarcely suit a small city; especially if commerce, luxury, and the arts of corruption, were known in it. A people, at the same time both subject and sovereign, hath need of great simplicity of manners and austerity of virtue, to obey with constancy the law that itself imposes. In a monarchy, a single spring acts with the greatest possible effect: the government of a single person best suits a great nation.

But, whatever the form of a government may be, it is necessary in every society to acknowledge a sovereign in whom the legislative power and the public force resides. These two cannot be divided. The law should be armed, because it is always at war with offenders. In mixed governments, even in republics, as in absolute monarchies, the sovereignty is one and indivisible. In this, it is the will of the individual; in the other, it is the will of the many; but in all it is a unity of will that constitutes law, and a unity of force that protects it.

It is not that the legislative and the executive power could not be placed in different hands. But then even, if we could have unity in the body politic, it requires, as the celebrated author of *the Spirit of Laws* hath proved, and as the constitution of England proves still better, that the executive power should participate in legislation, were it only to act in prohibition.

The sovereignty is indivisible; but the sovereign, not being able to do every thing by himself, is obliged to create ministers, commanders, magistrates, who, in his name, and by his authority, exercise in the state the powers of administration, constraint, and of judgment. These powers divaricate in proportion as they recede from the source; and by gradations, wisely managed, unite amongst each other, and with the sovereign, all parts of the body politic. This constitutes that public power which no individual can resist or oppose. If the intermediate agents of government abuse the authority committed to them, they are checked by superior authorities, and in all cases recourse remains to the sovereign, whom his own greatness keeps from the desire of injuring, and who is not ignorant, that it is less by terror, than by love and confidence, that men submit to be governed.

I here terminate the general reflections on political society and governments. In the progress of the work, I shall have more than one occasion to appeal to them, whether to develope them to a greater extent, or to defend them against those errors which serve as principles in the French Revolution.

CHAPTER II.

OF LIBERTY.

LIBERTY, in its most enlarged acceptation, is the right and the power of doing what we will. But it is evident that beings subject to error, and drawn away by their passions, cannot pretend to this unlimited freedom. If all had the right of doing what they would, no one would have the power. Opposite wills would incessantly clash; rights would be ever in collision; and the infallible effect of this universal struggle would be the annihilation of all right, and of all liberty. Rights are derived from law. The law is then the rule and measure of liberty. To know how far the liberty of man extends, it is requisite to know what the laws are to which he is subject.

There exists for the whole human race a primary law founded on the nature of man, and on his relations, whether to the author of his being, or his fellows. This law eternal and immutable, whence all others derive their authority, prescribes limits to the exercise of our faculties, by establishing a difference between right and physical power. It makes man a *moral being*, susceptible of obligation, and subject to duties. This law is intimated to us by reason, moral instinct, and conscience. By reason, which discovers between the nature of man and certain actions, the relations of propriety or impropriety, no less invariably, than between the ideas of which speculative propositions are formed. By moral instinct, or those natural sentiments, those spontaneous emotions of justice, humanity, compassion, and gratitude, that, even in the heart of a wicked man, yield only to passion and to interest. By conscience, which cites us before its tribunal, acquits or condemns us, and inspires the soul with hope or fear, tranquility or remorse.

A second law, that, like the first, proceeding immediately from the Divinity, makes man *a religious being*, and imposes

on him, in this quality, duties which reason, left to herself, would have never been able to discover. This law is known from revelation, and though founded on doctrines inaccessible to human reason, is not the less obligatory upon all those to whom it hath been declared, because the reality of revelation rests on proofs in themselves certain, and capable of persuading and convincing every one that will exercise his reason.

In fine, man, obedient to the voice of nature, unites himself to his fellows, and becomes a *social being*. He is bound by conventions; he acquires rights, by imposing on himself duties; he consents to obey that he may obtain protection; he contracts the limits which nature and religion had left him. Those laws which men enact for themselves, form *the institute of nations*, *political rights*, and *civil*, according as they have for their object, either the relations between nation and nation; or the relation of those that govern to those that are governed; or the relations that subsist between members of the same state.

Before the existence of political societies, man was subject to the laws of nature and religion. Those laws are not his work. He hath the natural power, but not the moral, to infringe them; he cannot withdraw himself from them, without depraving himself and rendering himself unhappy.

In the state of society, the rights and the duties of a citizen are fixed by the law of his country. It is that which gives him a father, which protects his infancy, which guards and defends his patrimony. He grows up under the shelter of the law; and, when arrived at the age of duties, finds himself obliged to submission, by the double title of gratitude and of justice.

Nevertheless, under the empire of this triple law, man remains free. For he can do whatever is not forbidden by reason, nor by religion, nor by the civil law; and it is in this that his liberty consists. 'If a citizen,' as M. de Montesquieu hath well expressed himself, 'could do what the law forbad, he would no longer enjoy liberty, because all others would have the same power with himself.' The laws of nature

and of religion defend our liberty against our own passions: civil laws defend it against the passions of others. Freedom from all law is not liberty, but licentiousness; and where licentiousness reigns, liberty is no more.

In the mind of the sage, the idea of liberty is always connected with that of submission: but, in the mind of the populace, the name of liberty calls up only the ideas of licentiousness, and impunity. It is the watch-word to all that are impatient under the yoke of the laws; and, in a corrupt nation, all the classes of society, those even to which public order offers particular advantages, contain a crowd of the dissatisfied, who yield themselves to be taken by this stale allurement; some through ignorance, weakness, or seduction; others through ambition, and with the hope of participating in the wreck of authority.

It was then, on the part of the new legislators of France, a manifest outrage against public order, to proclaim themselves the restorers of liberty. For, at that time, it was evident, and the consequence hath but too plainly proved, that this liberty with which they flatter the multitude, is nothing but the subversion of the laws. Had it been their wish to have established genuine liberty, and defended it from the attempts of arbitrary power, there would have been no need to call upon the people for a reform which the king shewed himself more jealous to grant, than the nation appeared to obtain. The easy suppression of some abuses, no sooner announced than abolished, would have established public liberty, without shaking the sovereign authority. But in the mouth of a Catiline, a Rienzi, a John of Leyden, a Mazaniella, a Mirabeau, the cry of liberty was never any thing more than an invitation to revolt.

Let us return to the true notions of liberty, and not to fall into those errors that arise from the abuse of words; let us distinguish liberty into three sorts: *natural*, *civil*, and *political*.

I call natural liberty, the right of doing whatever is not forbidden by reason nor religion; civil liberty, the right of do-

ing what is not interdicted by the law of the state; political liberty, the right of concurring by suffrage to the establishment of the law.

It is evident that natural liberty is incompatible with the state of society. It cannot be denied that the citizen hath a right to civil liberty. The whole question then on liberty, is reduced to know if, in virtue of the social compact, every citizen may pretend likewise to political liberty.

The whole system of the revolution turns on this principal, borrowed from the *social contract* of ROUSSEAU, that political liberty, as I have defined it, is the natural, inalienable, imprescriptable right of all men; that there is no medium between the condition of a slave, and that of a citizen; and that he cannot be called a citizen, if he be not a member of the sovereignty, and has not in that quality, an active part in the legislation.

To perceive the exaggeration and falsity of this doctrine, it suffices to consider the extreme difference which is found between him who, obeying only the laws, preserves the mastery of his actions, and the slave who has neither property, nor will. It is true, that the liberty of the former is limited by a foreign will: but it is by a public will, which is general, invariable, and restrains the liberty of the citizen in some points, only to secure to the husband, the father of a family, the owner of property, the peaceable use of all his rights; by a will, conformable not only to the public interest, but to that also of the individual, rightly understood; by a will, which owes its ratification to the citizens at large, and therefore is no longer foreign. Is it requisite to be a legislator, not to become a slave? Do not the laws to which obedience is required, without his having dictated them, leave a man sufficient field for the exercise of his liberty? If nature forbid not the indigent to alienate a part of his civil liberty, by reducing himself to a state of service, why should she be offended at seeing me renounce political liberty, to preserve my civil, to its utmost extent? If political liberty be a natural, inalienable, imprescriptible right,

why should not women enjoy it? hath nature condemned to slavery the half of human kind?

Liberty consists not in the power of acting from caprice, and without reason. But that which reason would prescribe to a wise man and the master of his passions, the law, which is written reason, prescribes to all. To the wicked and the foolish, the law is a heavy chain: to the reasonable and virtuous man, it is a rein which guides and supports him. He never considers himself more free than when he obeys the law. Civil liberty satisfies his wants and desires, it accomplishes the object which men propose to themselves when they unite in society; and the experience of both ancient times and modern evinces, that the happiest, and consequently the best, constituted states, are those where the people enjoy civil liberty, without pretending to political.

What in reality is the end of political societies, except to guarantee to all their security, property, and the legitimate exercise of their natural faculties? But it is so far from necessary for all the members of society to take an active part in legislation, that it is generally certain, the public tranquility is never more secure, than when the multitude does nothing but obey. In all the governments that have ever existed, even republics, which carry the love of liberty to fanaticism, concentrate the sovereign authority and subject the multitude to the few. Athens, Sparta, Syracuse, Rome, Carthage, counted, in their respective territories, infinitely more slaves than citizens. Their government was nothing other than an oppressive Aristocracy, where the civil liberty of the many was sacrificed to the political liberty of the few, who called themselves the people. In our modern governments, so much calumniated by philosophers, the liberty of man is much more respected. The odious distinction between citizens and slaves is no longer known: civil liberty is enjoyed by all; and if political liberty be excluded, this apparent disadvantage turns to the profit of public happiness and true liberty.

The only government in which political liberty can take place to the fullest extent, is the pure democracy that admits

all the inhabitants of a territory equally to participate in the sovereign authority. But the most perfect, the only legitimate government on the principles of ROUSSEAU, is, upon the concession of ROUSSEAU himself, *(Social Contract)* no more than a chimera: 'To take the term in its rigid sense, there never existed a real Democracy, nor ever will. It is contrary to natural order, that the greater number should govern, and the smaller be governed. If there were a people of gods, they would govern themselves democratically; a government so perfect could not be suitable to man.' In truth, history offers no example of a pure democracy. In the Constitution of Athens, though the people were a chosen and privileged body, its power was balanced by the authority of the Areopagus. Similar institutions tempered their democracy in the other republics of Greece. But such is the essential vice of a government, where the multitude is invested with the legislative power, that all these republics owed their transient splendor entirely to the troubles and convulsions with which they were incessantly agitated. After the Peloponesian war, which gave the dominion of the sea to the Lacedemonians, that people, not less an enemy to licentiousness than a friend to liberty, destroyed, throughout all Greece, democracy, which, wherever it was established, produced nothing but divisions at home, and wars abroad.

It would be useless here to distinguish with ROUSSEAU, the Government and the Sovereign, and to pretend that every citizen ought to participate in the sovereignty, although the Government could be confided only to a few. We shall examine, in the sequel, the grand principle of the sovereignty of the people. In the mean time we observe, that it proves nothing in favour of political liberty, considered as a natural right. A natural right suffers no exception: consequently, on ROUSSEAU's principles, it is not sufficient to give to all the citizens a part in the sovereignty, it requires also that all the inhabitants of the city should be citizens, that there should be no Helotes, as at Sparta, nor the Proletaires, and those named at Rome *capite censi*, from their being numbered by their heads like cattle; it would require that out of five classes of inhabitants, two only should compose the republic, as at Geneva.

If, to justify this distinction of citizens and of subjects admitted into the most popular governments, and commanded by the nature of things, the primordial conventions were alleged, the principle would then be abandoned, and it would be acknowledged that political liberty is not an inalienable and imprescriptible right. Under a democracy, this right is committed to a part of the people; under an aristocracy, to a senate; under an absolute monarchy, to a king. In all, some part of natural liberty is bestowed and sacrificed, to obtain that civil liberty which interests all men, in every instant of life. In all likewise, if the laws be wise, and the state well administered, civil liberty, general tranquility, domestic happiness, are more or less secured, according as the exercise of political liberty is more or less restricted.

Since then it hath been proved, that a man may enjoy liberty, without being a member of the sovereignty, it is of little moment to inquire, if, to merit the quality of a citizen, it be necessary, as ROUSSEAU pretends, to concur, actively, in the legislation of his country. In reality, the question turns on the application of a word. Amongst the ancients, the name of citizen appears reserved for republics; in our use, it applies to monarchy, and implies not only civil virtues, but also a political right. Our towns are not cities properly called: they are part of the city that comprehends all France. Thus the Parisians and the Bordelois, cannot be the qualified citizens of Paris or Bourdeaux. But nothing prevents them from being called citizens of France, since they enjoy the advantages, and support the charges of the French Constitution, and every member of the city is a citizen.

CHAPTER III.

OF EQUALITY.

IT is not easy to distinguish whether it be of man living in society, or man in a state of nature, that the authors of the *declaration of the rights of man* speak, when they say: *that all men are born and continue equal in rights.* It is obvious that they affected this vague and indeterminate expression, so unworthy, I will not say of an assembly of legislators, but of a philosopher, only to leave the people a right to give this equivocal maxim all the extent it will admit. Whilst we, who, seeking only the truth, have need of precision in our ideas, distinguish equality, as we did in speaking of liberty, into *natural, civil,* and *political;* and we will shew that natural equality is a chimera; that political equality is not compatible with the state of society; and that civil equality is that alone which the citizen has the right to reclaim.

Natural equality is a chimera. The Creator, who is pleased to vary all his productions, hath placed, more especially amongst men, a striking inequality. If the assertion be true, that all men are equal, as having the same nature, the same origin, the same end, it is no less evident, that they are all unequal in strength, intellect, and virtue. From the identity of nature there results only a metaphysical equality in respect to the kind; and it is not upon abstractions, but in real qualities, that the rights of individuals are founded.

In the state of nature, rights are measured by wants and by faculties. The more numerous the wants, and the more perfect the faculties, the more extensive are the rights. I am aware that superiority of bodily strength and mental qualities do not constitute the right to command, but it establishes an empire in fact, and prepares the empire of right, by making the weak to perceive the advantage of submission. Amongst free beings whose passions thwart and clash with each other, natural in-

equality would produce nothing but violence and oppression, if it were not soon converted into moral inequality. Hence the institution of political societies. But before families and tribes were united under a common government, there existed conventions express or implied, which fixed the rights of each, not on the principle of an equality that nature contradicts, but from that ascendency which strength and genius necessarily give. Besides, in the state of nature, a real society exists, the domestic, which can be maintained only by the diversity and inequality of rights. It is nature itself that subjects the woman to the man, the child to the parent, the imprudence of the young to the experience of the old. All men are born in a state of dependence: obedience is still more the want than the duty of the earliest age. Families, like political societies, essentially suppose authority and submission.

Political societies have been formed to correct and destroy the effect of that vast inequality which results from the difference of qualities, natural, intellectual and moral. The establishment of laws and of governments hath, in some sort, caused the natural inequality to disappear, by introducing political inequality, less odious, and more favourable to the liberty of all, and tending to establish, amongst beings so different, all the equality of which they are susceptible.

This equality is the civil, which establishes itself, and is maintained, by political inequality. In whatever relates to personal safety, to the right of property, to the innocent and legitimate use of the natural faculties, all the members of society have an equal title; but this refers not to the origination and government of society. They are equal in the civil order, but not in the political. An equal protection to all persons, and all property, is the right, in a constituted state, of every citizen. This right, in virtue of the social compact, is supported by the public force; and, under this relation, the weakest man becomes equal to the strongest. Such is the civil equality, founded on the universality and impartiality of the law, which assures to all an equal right to that which they hold, whether

from nature, from their ancest rs, or their own industry; that is, an equal right to unequal possessions.

The state of society can demand nothing further, without destroying every principle of justice, and every idea of property, for the sake of a more perfect equality, consisting in the community of goods. But this system which we have seen realised in very small corporations, whose members, supported by an extraordinary virtue, renounced all human affections, it would be absurd to introduce into political society, where the common interest arises from the shock and combination of all the particular interests, which we should never succeed in establishing, but through violence and plunder, and which the passions, industry, and fortune, have a constant tendency to subvert.

Civil liberty and civil equality are inseparable. By the first, the citizen obeys the law only; by the second, the law extends its authority over all citizens. The one cannot perish without drawing down the other in its fall. It hath been seen, in the last chapter, that political liberty is not essential to a constituted state: I will now prove that political equality is absolutely incompatible with a wise constitution.

In the first place, society could not have been formed, nor can it be maintained, but by authority and subordination. There exists then for some a right to command, and for others a duty to obey; the primary source of political inequality. I say a right on the one part to command, and on the other a duty to obey. For if all the heads, all the magistrates of a nation were removable at the pleasure of those by whom they were appointed, their authority, but little respected, would be too weak to suppress licentiousness if they received it from the people; too weak to oppose tyranny, if they held it from the monarch.

It is only in a republic that the people can fix a term to the authority of its magistrates. It ever ought to do it, if it would retain its liberty. But every republic that admits not any

power perpetual in its nature, like that of the kings at Sparta, and the Doge at Venice, or the Areopagus and the Senate, at Athens and at Rome, would infallibly degenerate into Ochlocracy, a kind of government, or rather of anarchy, where all affairs were managed tumultuously and by sedition.

One of the things that distinguish monarchy from despotism, is that, in the latter, all the officers of the state are immediately under the control of the sovereign, and hold no offices, but only commissions: whereas in a Monarchy, as the sovereign is the source of all the power, he can neither exercise these functions himself, nor arbitrarily retract or suspend them. The result of this difference is that political inequality is not only less under despotism; but civil inequality is also in the extreme.

Secondly, in every political state, the citizens are divided into different classes, which have all their particular functions and prerogatives; another source of inequality no less essential than the first to the constitution of the political body. Once established by law, and confirmed by time, these distinctions of classes, and privileges are real property, so much the more sacred, as they are connected with public order, and which cannot be attacked, without sapping the foundations of the Constitution. The civil inequality is nowise injured, provided the most favoured classes are unable to rise above the law, provided their privileges and distinctions interfere not with personal security and property which ought to be for all citizens indiscriminately the same.

Political equality can exist only in a pure democracy, where every individual is a part of the sovereign; and under a despotism, where all but the master, are slaves. In all well constituted Governments, order and liberty are preserved only by a due gradation of powers. The intermediate orders fill up the interval which seperates the people from the sovereign; they temper the force of power, at the same time that they augment its splendor; they keep the vessel of the state at an equal distance from two rocks, which are equally to be dreaded, despotism and anarchy. If they fall in the conflicts of Govern-

ment, the prince becomes a despot; if they be annihilated by the people, the state is dissolved. In this latter case, natural inequality resumes the place of political: for nature is still stronger than the people.

These intermediate powers, perhaps, in no constitution, were ever better managed than in the monarchy of France. The three great objects of every political association, religion and morals, the defence of the state, industry and labour, indicate the natural distinction of the three orders. The clergy aspired to consideration from their virtues and attainments; the noblesse were paid by the honour attached to blood; the career of arts, commerce, and riches was open to the third estate. The weakest of these orders enjoyed the first rank. This respect was paid to religion; and sound policy required this prerogative should be left to that of the three orders the least able to abuse it. The clergy had preserved the right of taxing themselves; and so far were the two other orders from being jealous of this privilege, that they beheld in it the valuable remains of that ancient right of the nation which incessantly reminded our kings of the origin and design of subsidies. These three orders formed not separate casts. Illustrious actions, military service, the magistracy, and, too frequently, riches, opened to the third-estate an admission to nobility. This kind of adoption repaired the losses of an order devoted to a destructive profession; and the other classes cherished an ambition beneficial to the country. The principal stations in the church, were reserved, in general, for ancient families, because it was of moment to honour the noblesse and religion, and as it was in itself but just to shew some preference to the posterity of their founders. But the greatest part of the members of the clergy were taken from plebeans. The revenues of the church were dispersed through all the classes of society: and it might be truly said that they were a national property, since by institution, and generally speaking, in fact, they were the reward of study and good conduct; and, in the hands of the incumbents, became an abundant resource for the state and the indigent. Thus the three orders, each animated by a particular spirit, concurred to the general good: the privileges of the

two first formed a barrier against despotism; and civil equality was confirmed by political.

Lastly, a third source of inequality dependent on the nature of Government, is property. In all constitutions, even democracies, none but real proprietors were allowed to partake in the administration of public concerns. Two reasons justify this exclusion; the one, that the political administration implies sentiments and information which, in ordinary, are the fruit of an education to which the indigent classes cannot attain; the other, that the state cannot confide in those who have not a stake in its preservation. It was only, says MONTESQUIEU, after Aristotle, in the corruption of some democracies that artizans came to be citizens. King Servius, inclined as he was to favour the people, distributed the Romans into numerous centuries, in such a way, that the populace, being thrown into the lowest class, furnished neither soldiers to the army, nor voters in the field of Mars, from having no home to defend, nor property to preserve. Democracy, says Aristotle, universally becomes tyranny, when the poor have too much influence in public deliberations. Speaking of Carthage, he foretold the destruction of that republic from the natural growth of the pretensions and power that its constitution had given the people. At the time of the second Punic war, about a hundred years after Aristotle, Polybius observed, that Carthage was verging to its ruin; and ascribed its decline to the authority that the people had usurped.

It is true that, if the constitution of empires be regarded as an aristocratical problem, nothing could be more unreasonable than the subjection of the many to the few. It is by the assistance of this gross sophism, and by applying to society already formed, notions borrowed from the state of nature, that the metaphysician SIEYES, had no difficulty to demonstrate, that in France the third-estate composed the nation. In reasoning from his principles and calculations, it would not be to the third-estate, but to the populace, and those without property, which in no state ever formed a political order, that the name and the rights of the nation would be transferred. But

besides that the absurdity of its consequences shews the error of the principle, the bias of all legislators towards property has nothing in it but what is consonant to justice: for it is just that every citizen should enjoy the advantages of society, in proportion as he contributes to its support, and the proprietor gives more largely than he who has nothing to give. It is just also that he should have the right of protection, who hath something of his own to defend. Proprietors have no less an interest than others, in the laws upon which individual security depends; whence the latter may rely on the first for the care of their liberty and lives. But, in respect to property, some have rights and an interest to preserve, which others might covet and invade. How then could an equilibrium and peace be preserved between interests so opposite, unless the advantage of number and of natural force were counterbalanced by political advantages? 'There always are in a state,' says MONTESQUIEU, 'some persons distinguished by birth, riches, or honours. But if they were confounded with the mass, and had but one voice with the rest, the common liberty would be their slavery; and they would have no interest to defend, because the general resolutions would be clearly against them. Their part, then, in legislation should be proportioned to the other advantages they have in the state; which would be the case were they formed into a body, having a right to check the measures of the people, as the people had a right to counteract theirs.'

From contempt for these maxims, which the suffrage of all legislators and all statesmen have revered, the misfortunes of France have arisen. In tracing the progress of the revolution through its different periods, we can discover nothing in it but a progressive developement of the popular principles of liberty and equality. A faction of philosophers and wits, lawyers, and courtiers, had long meditated the overthrow of the church, and of Monarchy. The daring rashness of the minister BRIENNE, the faults of the parliament, the imprudent convocation of the states general, with the opinions and perfidious views of NECKER, had brought on the moment for the faction to break forth. The conspirators availed them-

selves of the inquietude and agitation of mens' minds; they stirred up the people in the name of liberty. To sow divisions between the orders of the state, they presented the chimera of equality to those who, whilst enjoying the sweets of tranquility, in the bosom of plenty, fancied themselves debased, by the prerogatives of superior conditions, without being aware that a universal levelling would rather depress than raise them.

Such was the commencement, and, as I may style it, the first act of the revolution. The populace, claiming liberty and equality in their turn, soon disconcerted the ambition of the factions, whilst the foolish vanity of the townsmen crushed the whole by its mass, and declared open war on the proprietors, accoutred with their maxims and examples against them. For, if upon the principle of equality, the clergy and nobility might be stripped of that rank and those privileges, which they, from the origin of the monarchy, were possessed of; if, in contempt of the most authentic titles, and legitimate prescription, it were allowable to take their patrimony from them, why should not the populace likewise in turn, contest the unequal division? Do other possessions become less the property of the nation, than those of the clergy? and of what is the nation made up, but that numerous class, so long condemned to indigence and labour, which at length resumes its natural rights, by substituting a perfect equality in place of the tyrannical institutions of society? In this manner would the populace reason, if, to justify its excesses, the populace needed any other right than that of the strongest. In the mean time, the base and rapacious proprietors, who divided amongst themselves, in idea, the spoils of the noblesse and the clergy, becoming victims to their own principles, have lost their all, even to the right of complaining. Such is the second act of the revolution.

In this bloody tragedy, the business and horror go on augmenting. After having executed justice on the first ravagers, the people punished themselves by their own hands. The riches they had invaded, they knew not how to preserve, to dispense, or to manage. They became the prey of demagogues, the price of audacity, and the instrument of tyranny. The

true sources of riches, industry, labour, and commerce, have disappeared; nothing remains but guilt, misery, and endless dissensions. A new faction daily breaks forth. That idol is demolished to-day, which yesterday was incensed. Necker, la Fayette, Dumouriez, Custine, Orleans, Bailly, Hebert, Robespierre, descend from the car of triumph, some to mount the scaffold, others to experience in a foreign country, the more cruel punishment of infamy and remorse. The multitude cannot rest without a master. Obstinate as it was in disavowing him whom Heaven had given, it fought for the choice of its tyrants. The stroke first aimed at the sacred right of property, is the signal of universal plunder. Licentiousness leads to anarchy, and from the bosom of anarchy rises a swarm of ephemeral despots, whose tottering throne is cemented with the blood of the people. In this manner is providence vindicated; and, in the disorder, even of popular revolutions, the immutable order of eternal justice is seen. Peace, prosperity, and glory, are to nations the price of virtue, political and moral; whilst revolt, licentiousness, and vice, are followed by discord, misery, and infamy.

CHAPTER IV.

OF THE SOVEREIGNTY OF THE PEOPLE.

THE principle of the sovereignty of the people, long buried in the obscure writings of a BUCHANAN and a JURIEU, hath acquired splendor from the elegant pen of ROUSSEAU. It is from the *social contract* that our demagogues have drawn this revolutionary dogma. The feeling heart of the citizen of Geneva would have unquestionably shuddered at the bare imagination of the terrible consequences of his political system: he hath somewhere said, that a revolution would be too dearly bought, if it cost one drop of blood. But whatever judgment may be formed of his character and intentions, posterity will never pronounce his name, without connecting with it the crimes of a revolution, of which he in some sort was the lawgiver.

According to the author of the *Social Contract*, it is necessary to distinguish the sovereign, from the government. The sovereign, that is the general will, or in one word *the People*, from whom all power essentially flows, and which cannot be irrevocably bound, hath ever a right to abrogate old laws and establish new ones. The government is nothing more than the minister and delegate of the sovereign. The people reserve the legislative power, which belongs to the general will; but they cannot personally exercise the executive, because this power consists only in particular acts, which are not within the province of the law, nor consequently within that of the sovereign, all whose acts can only be laws. Hence the people have established by a law, always revocable at will, one or more magistrates, under the name of king or senators, to whom it confides the execution of the laws, and the maintainance of liberty as well civil as political. Every lawful government is republican, in this sense, that it is always directed by the general will. Royalty is only a commission, an employment,

which the sovereign or the people may limit, modify or resume at pleasure. The assemblies of the people ought always to be opened by two propositions which can never be suppressed, and which separately should pass by votes: the first, whether it be the pleasure of the sovereign to preserve the present form of government; the second, whether it be the pleasure of the people to leave the administration in the hands to which it is confided.

Thus it is evident from this analysis of the *social contract*, that the whole system of ROUSSEAU is founded on the principle of the sovereignty of the people, as well as the system of the revolution. But this principle he always assumes, without undertaking to prove it. He does not even say what he understands by the People; and as this word is susceptible of very different significations, his work presents an assemblage of errors and truth, well suited to seduce superficial readers.

If by the people is to be understood a multitude living without laws, chiefs, or conventions, as men are supposed in the state of nature to live; in this sense the people is independent: but not sovereign. For the sovereignty hath no existence, nor is it conceivable till a state and government exist. To imagine in such a people, a sovereignty, which implies a sort of government, is, says BOSSUET, 'to suppose a government, before all government.' So far in this state are the people from being sovereign, that they are not a people. If any one chuse to bestow the name of sovereignty upon that intractable liberty which is made to yield to the law and the magistrate, he may; but it is to confound every thing: it is to confound the independence of each individual in the anarchy with the sovereignty itself. But this on the contrary is that which destroys it. Where every one is independent, there is no sovereign. For the sovereign rules, of right; and here the right of ruling has as yet no existence. The very notion of a ruler implies a dependant. But no man in this state is supposed to be such, and every one is independent not only of every other, but even of the multitude itself, which till reduced to a regular people, hath no right but that of force. Is the word *people* employed

to signify a civilized nation, under chiefs, and with an acknowledged government? In this political acceptation it comprehends the nation entire, and not that part of the nation only which the Latins designated by the name *Plebs*, and to which we improperly give the name of people, because it forms the most numerous class of people, or the society.

In the language of the revolution, the multitude, the people, the nation, all signify the same. Under favour of an ambiguity, and by an obvious abuse of words, the denomination and rights of the whole have been transferred to a part, and by it hath been effected the dissolution of society. For society exists only by the relations and rights which the constitution establishes between the different members of the state. A people is no people, further than as it has a political constitution; and if this constitution acknowledge a king and distinct orders, the king and these orders with their prerogatives are essential and principal parts of the nation. When the third estate was once persuaded that it was the nation, there was no difficulty to persuade the populace that they were the people. The double representation granted to the third order in the assembly of the states-general, the union of the three orders in one chamber, and the suffrages taken by heads, annihilated the constitution, which being destroyed, the French no longer existed as a nation.

On the supposition that an entire nation, in a lawful assembly, where all the orders of the state preserve the rank and influence which the constitution gives them, is agreed, in concert with the sovereign, to reform and modify its government, that nation exercises a right which cannot be contested. But, to speak properly, this right is not the sovereignty, for the idea of sovereignty carries with it that of subjection, and the same people cannot be in the same respect at once subject and sovereign. A people cannot be styled sovereign but in reference to another people. Thus it is that Virgil calls the Roman people, *the people king*, *populum late regem*, because it held the conquered nations dependent on its law.

In what sense have the revolutionary philosophers pretended that the sovereignty resides in the people? It is in the first place, because in the institution of Governments, all authority proceeds from the multitude; secondly, because after the institution of a government, the multitude continues to preserve the right of abolishing it, and creating a new one. The people, or the majority, is then the sovereign, in the sense that the authority proceeds from it, and as the exercise of it is always subject to the popular will. Let us examine this principle, and see if the right it gives the multitude be founded in nature, and whether the people have any interest in reclaiming it.

Now in going back to the original creation of any society, we find no one people or nation, but a confused troop of independent men, who, being weary of a state, where the whole, and yet no one is master, are desirous of quitting their anarchy, and are no farther united than in the general wish of establishing a government. Each still enjoying his entire independance, and his full natural liberty, concurs by his suffrage in the formation of a political body; and it may be said, in a true sense, that the sovereignty comes originally from the multitude, because it is in its full consent that the cause and sufficient reason of the existence of a sovereign power is found. But it does not necessarily follow that the multitude had ever possessed the sovereignty: for the sovereignty began only to have being at the instant the prince was invested with it; it is a moral quality, a relation formed by the union of every will. The people have not conferred it as a thing that is transmitted from hand to hand. They have created it, and possess it no longer than while it exists. They do not even possess it after having created it, for they give it being only to invest some person with it. Prior to the social compact that gave birth to sovereignty, the people was not sovereign; it was only independant: by the social compact it hath ceased to be independant, and is constituted subject.

When a government is once established, do the people necessarily and by an inalienable right preserve the power of

judging the prince, of displacing him and changing the government? I ask, by an inalienable right; because we have here no concern with a government limited by a constitution which expressly defines in what case the prince shall incur the penalty of forfeiture. Such a constitution would be a treaty, the conditions of which being clearly expressed, would become the law of both prince and subjects. I speak in general, and maintain that such determinate clauses of the social compact have no existence in the nature of things; and without blaming the people who have thought it a duty to reserve to themselves these rights, and to hold the sovereign amenable, it appears clear to me that others, to secure in the most effectual manner the public tranquillity, have with more reason relinquished every such right. Thus then, unless these determinate clauses be expressed formally and precisely in the constitution of a state, we should hold for certain that the erection of the sovereignty was constituted absolutely and in a manner irrevocable; as the people, without pretending to give a prince the right of governing arbitrarily, have thought it more wise to expose themselves to the transient abuses of authority, than to preserve, in the midst of the state, a perpetual source of discords and factions.

But, though even the constitutional act should contain the provisionary clause of the deposing of a sovereign, in certain cases forseen and clearly expressed, it will not follow that the people, in the sense which the revolutionists understand, should have a right to invest themselves with the sovereign authority, and change the form of the government. In such a constitution, the prince is rather the chief of the government, than the sovereign: his power is limited by the text of the fundamental law, and this same law hath nominated before hand, the magistrate, the senate, or the assembly upon whom the right of judging the prince would devolve, and also the power of replacing him. Such was the authority of the Ephori at Lacedemon, and that of the Justiza in the kingdom of Arragon. Judgments of this kind, when they are foreseen, and expressly authorized by the constitutional act, do not by any means in-

volve the revocation of the social compact; they are only the execution of it. But, it is of importance to observe, that, not to the people or multitude, but particular persons or bodies originally constituted the exercise of this ever dangerous right is confided.

It is an established fact, that with the exception of some turbulent democracies, which have all been the prey of insurgents cherished in their bosom, or of conquerors by whom they have been invaded, no constitution hath left to the people, or multitude, an unlimited right of reforming or abolishing the established government. The nature of things is contrary to it, and every thing demonstrates that the people is essentially incapable of governing. I do not only say, that it cannot exercise the functions of government, as ROUSSEAU himself admits, but I affirm that it is incapable of all public administration, and consequently of all exercise of the sovereign power. Into what a strange contradiction hath the spirit of system urged the author of the *social contract!* Does he speak of the sovereignty? The multitude constantly follows right reason, is never deceived as to its real interests, is a people of sages. Does he treat of government? The multitude is the puppet of error, and the passions, and made only to obey. But if the people have all the qualities that the sovereignty demands, why have they not those that government requires? And if they be essentially incapable of governing, why, and on what title are they sovereign?

If the right of sovereignty reside in the people, it is in the mass of the people, the multitude, that it must be placed. In this case, suffrages are not to be weighed but counted. Birth, rank, riches, education, knowledge, would be useless distinctions. These advantages political or natural, suppose an established government; their influence can only be perceived in the silence of order and of peace. The sovereignty of the people is then the sovereignty of the majority. It is the physical force which succeeds to the moral; it is violence which supplants right. Hence follows an endless train of com-

motions and revolutions: no form of solid government; no consistent and durable legislation. In all political societies there exists a secret war of the poor against the rich. The one wish to change the government, the other to maintain it. But when a revolution hath overturned all fortunes, when removed all the fences of property, the number of the poor is always the greater, and the party of the discontented still prevails over that which seeks to preserve the new order of things.

In this eternal conflict of the passions, the interests, and deliberations of the multitude, laws properly so called, can never be formed, to which all the members of the state are obliged to submit. When a people hath destroyed its government the social compact is broken; there exists no longer city, nor citizen; every one returns to a state of independence; no one can be bound by the opinion or the will of others. Under á regular government, the plurality of suffrages constitutes a real right, because the social state supposes the union of wills, and that it is just that the minority should submit. But this is not the case in that season of anarchy which precedes the institution of a new government. I cannot without the violation of my independence and my natural liberty, be compelled to live under new laws to which I have not yielded assent. If I like not to submit my opinion to the will of the majority, I ought to be allowed to live privately in peace, without taking any part in public concerns, or at least to retire into a foreign country, with my property and the enjoyment of whatever I possess.

This single reflexion fully justifies the French of all conditions that have been exiled from their country, in which a government is established and laws which they cannot approve. When a state is instituted, residence implies consent; but when an ancient government is subverted to institute a new one, emigration is the most moderate measure that dissidents can adopt. In renouncing the quality of citizens in the new French Constitution, the emigrants have exercised a natural

and a political right; for as ROUSSEAU *(Social Contract)* observes, 'the social compact requires a unanimous consent, because a civil association is in its nature of all other acts the most voluntary.' But the people know not how to respect right when they possess power; it is not enough to be free, they will tyrannize; and whoever refuses to subscribe to the laws, which they make to day to abrogate to morrow, becomes the victim of their fury.

Let us consider, in the mean time, these popular assemblies, in which the new systems of legislation are formed, and without insisting too much on the melancholy experience that France has had, let us see what ought to be expected at all times and in all countries. I shall not speak of Florence, and the other modern republics of Italy, where history presents to us the alternative only of the convulsions of licentiousness, and the furies of tyranny, but will go back to the splendid ages of liberty, and to the Athenians, the most humane, refined, and intelligent nation of all Greece. It was in the assemblies of this people that Miltiades, Aristides, Themistocles, Timotheus, Phocion, and Socrates were proscribed; that the forces and finances of the republic were confided to men notorious for inability and improbity; that a law was passed which condemned to death every orator that should propose to employ in defence of the state, the funds reserved for the spectacles; that a decree was introduced to hold for sacred every thing King Demetrius should ordain towards the gods, and every thing for just towards men: extravagant baseness which seems to have served as the model for the oath of maintaining a constitution which no one knew, and of which the outline was scarcely sketched. Athens, notwithstanding, had laws full of wisdom, which were not made by the people, and which they did not think they were authorised to touch. What must be the result, if the laws themselves were to become the work of an intractable wayward multitude, which, without knowledge of the past, or foresight of the future, felt only the want of the moment, and could never extend their views to those truths which serve as the basis of legislation?

The people, taken in the mass, have no other morality than the restrictions of law. This curb which is necessary to all ranks of society, is still more so to those whom indigence and jealousy stimulate against public order. The grosser passions, incessantly excited by want, can only be repressed by fear. If the people do not obey, they command, and their rule is the subversion of all justice, both natural and social. The sovereignty then resides not in the people, since the people always require to be governed. The legislative power does not essentially belong to them, since it is the object of legislation to restrain them. The public force ought not to be confided to them, since in that case there would be no other force to suppress them.

Under a government, and with a popular force, there is neither power, nor public force. When, by a general revolution, a nation has broken asunder all the springs of government, instead of recovering, it annihilates the sovereignty. Every thing reverts to a state of nature: national right is abrogated; and if, in fact, there still remain some shadow of government, it is because the stronger constrains the weaker. Yet, in this case, it is not in the people that this empire of force resides, they are only the instrument; and it may, with truth, be affirmed, that the people is never more a slave, than when it resolves to be, and thinks itself sovereign. Essentially incapable of being governed by itself, it is compelled to resign the command to a handful of factious and intriguing persons, who, knowing the inconstancy of the master they serve, hasten to avail themselves of the short duration of their favour. It is in the name of the people that they govern, but the people themselves obey, and a change of ministers is only a change of tyrants; since under such a government, they are not the intelligent, virtuous, and disinterested, that hold the helm of affairs. Happy, if the domineering faction permit them to live in ignorance, and to groan in secret over the sufferings their country.

Previous to the end of this chapter, I ought to preclude a false consequence, which an inattentive reader might draw, by

tranferring to all popular states what I have said of those assemblies, where the multitude undertakes to create for itself laws and a government. All governments are good when they are well administered. The popular government, or democracy is not in itself evil. It suits some nations, and especially as I have said, those that are small, poor, and happy enough to have preserved that simplicity of manners, frugality, and love of their country, which is no longer to be found amongst nations that are opulent. It is not to such, nor to governments consecrated by long habitude, that what I have just remarked of popular assemblies will apply. The force of the constitution, the public spirit and manners with respect for the law, prevent the abuse of liberty. So long as they continue virtuous, such nations may be sovereigns with impunity. Their assemblies, subject to invariable forms, and open to discussion, are occupied only in maintaining the government and the due execution of the laws; and these laws, this government, are not the work of an ignorant and passionate multitude, but the fruit of the profound reflections of a statesman whom the people had invested with the sacred character of legislator. The case, however, is very different in a nation already corrupted, and which aims at liberty to throw off the yoke of law; a nation disorganized by a sudden and universal revolt, which undertakes of itself to form its government anew. It is here that popular assemblies are seditious mobs, where men, without information, principles, property, interest, or order, are actuated only by licentious motives and a wayward will; or the multitude is drawn along by the rude and audacious eloquence of forward demagogues; or an insolent minority commands by terror, and by actual violence overbears all deliberation; or else the outcry of the rights of the people is prostituted to a populace augmented from the scum of the higher conditions. Such a nation, under a government firm and vigorous, might still enjoy civil liberty; but it must infallibly and irrecoverably be lost, whilst it daringly grasps at political freedom. 'Liberty,' says ROUSSEAU, *(Considerat. on the Government of Poland,)* 'is a nutritious, succulent aliment, but requires a strong digestion, and stomachs that are perfectly healthy to bear it. I smile at those de-

graded people, who, suffering themselves to be drawn together into mobs by the confederates, dare to speak of liberty, without an idea of it, and, having the heart full of all the vices of slaves, imagine that nothing more is requisite to be free than to shew themselves the abettors of mutinies.'

CHAPTER V.

OF INSURRECTION;
OR,
RESISTANCE TO AUTHORITY.

FROM the sovereignty of the people necessarily flows the right of active resistance and insurrection against Government. For the people being really sovereign, they who govern are only its mandatories and commissaries. It may revoke the authority delegated upon a loss of confidence; and as these delegates have always some force at command, it is by insurrection, and the opposition of a greater force that the people is enabled to resume the exercise of its authority. This principle, laid down by the constituent assembly in the declaration of the Rights of Man, was admirably adapted to the design it had conceived of overthrowing the ancient constitution. It soon, however, found that, on such a basis, it was impossible to rear a solid structure. The right of insurrection had secured the triumph of rebels, and hastened the fall of legislators.

The right of active resistance, or insurrection against authority, is incompatible with the idea of a government. What is the end of all government but to substitute the general will for the particular, and to force all the members of the society to submit their pretensions to the public authority? But the public authority and the general will are nothing, if every citizen thinks he has a right to resist oppression, or, which is the same thing, to oppose force to all the acts of administration, which he may choose to regard as oppressive. To admit, under the empire of the law, a single instance in which the law might be resisted, is to break asunder the bond of the society, and to call men back to a state of anarchy, in which reason remains without power, because every one calls reason the passion by which he is transported.

If it be said that the right of resistance to authority supposes real oppression, and that none exists, or there is no oppression; I answer, in the first place, that, according to both the terms and spirit of the declaration of rights, every one remains judge of the injury he pretends to have received; whence it clearly follows, that imaginary oppression gives the same rights with real oppression. I say, in the second place, that where oppression is manifest and real, the right of resistance cannot be admitted. The state of society admits no right, the use of which would infallibly draw on the ruin of the society. But the society cannot subsist, if the right be left to every citizen of resisting, by open insurrection, oppression, even manifest and real.

If it were permitted to an individual to rise against the public power, there would be neither law, nor judgment, nor state, nor people. Under the constitution most favourable to liberty, under the most just and enlightened government, it is impossible but that some instances of injustice should be committed, for the prince and the magistrates are men. These injustices and errors of the administration are an inevitable evil which were foreseen, and which men were resigned to, in consequence of living in the state of society; and since this evil hath appeared but an inconvenience, when opposed to the troubles and disorders inseparable from anarchy, it would be extravagant to seek for a remedy in the dissolution of the very society. The first of all laws requires that the particular interest should yield to the general. An injustice committed by the sovereign is a particular and transient evil: resistance to authority, rebellion is a general and permanent evil, because it attacks the public order, on which the safety of all depends.

If it be said that it is not to individuals, but the people that we attribute the right of resisting by open insurrection; and who can doubt that the people, in whose favour governments have been instituted, hath not a right to rise against a government that oppresses them?

I do not yet examine how far, and in what manner a whole people may defend itself against tyranny. But I affirm, that

the maxim which consecrates the right of insurrection, does not extend itself to a whole people, since it makes a part only of the declaration, in which are set forth the natural rights of a man and a citizen. Besides the use which the heads of the revolution have made of it, fully shews that they meant not to limit it to the case of a general oppression, which perhaps never existed under any government, and certainly not under the government of Louis XVI.

It requires, moreover, but a slight acquaintance with history, to know that the oppression of the people hath ever been a pretext in the mouth of the leaders of sedition. In all times, among all nations, conspirators have held the same language, and every where the event hath proved, that these pretended deliverers of the people, were its most cruel oppressors.

It is not the wise and the virtuous man that raises the standard of revolt. He better knows than any other the abuse of government: but if the place which he fills in the state makes it not his duty; if superior talents give him not the right of illuminating the administration, he laments in silence, from a conviction that even a vicious government is a less evil than the subversion of public order. He knows, to borrow the words of the great BOSSUET *(Five advertis.)* that 'it is necessary to suffer the violences of bad princes, wishing for better, to endure them whatever they may be, to hope for a calm whilst the storm continues, and to perceive that Providence, which wills not the ruin of the human race, nor of nature, keeps no people under the perpetual oppression of an evil government, any more than it afflicts the universe with a continual tempest. A serene season may again repair what a severe one had spoiled; and it would be wishing too much evil to human affairs to add to the evils of a bad government, a remedy more pernicious than the evil itself, which intestine division would prove.'

What then, commonly, are the authors of political reforms and revolutions? Men profoundly corrupt, strangers to the principles of morality, and the sentiments of nature, consider-

ing other men as instruments only of their ambition, dextrous in using both the language of virtue and every means of perpetrating crimes; cajoling the passions of the people whom they despise, pretending to commiserate their sufferings, the better to entrap their confidence, and advancing themselves to tyranny by the ladder of popularity. Such are the men who know how to avail themselves of the doctrine of resistance to oppression. It is to a Peter Marcel, to the sixteen of the League, to a Cromwell, to a Mirabeau, that this antisocial doctrine delivers up a weak multitude which is ever caught in the same snare, which knows not how to distinguish its friends from its flatterers, with whom an acknowledged imposture serves only to gain credit for an imposture still more gross.

Admitting it to be true, that circumstances might arise, when oppression, pushed to the last excess, would justify resistance, a philosopher, who was a friend to humanity, would be extremely cautious how he discovered to the people so dangerous a truth. A wise legislator would never make it the basis of his constitution; would never establish public order upon the right to revolt. What would be thought of an instructor who should never speak to his pupil of paternal authority, but for the purpose of inculcating that, on some occasions, he might be disobedient to his father? Such is the spirit of those political lessons of the constituent assembly, which, in addressing the people, incessantly speaks to them of their rights, but never of their duties.

This doctrine, which had no effect in the world, so long as it remained in the treatises of Philosophers, was no sooner converted into a popular maxim, than it came an incentive to disturbances and seditions. It holds the minds of men in distrust and continual jealousy of authority: it aggravates discontents, engenders pretensions, foments turbulence, and severs all the moral ties which unite the sovereign and subjects, to leave nought remaining but that force which will speedily and intirely pass from those who ought only to obey. Who is there a stranger to that perfidious address with which the contrivers of the revolution knew how to set at work this princi-

ple of sedition? With what art, what consummate wickedness, did they fashion to revolt and regicide a people, till then celebrated for mildness, sensibility, and love, to their kings! by how many partial insurrections did they lead them to that subversion of religion, monarchy, and social order, which astonished and threatened all Europe!

Alas! for the most gracious of kings was reserved a lot more dreadful than the most sanguinary of tyrants had experienced. At no time have the abettors of faction insisted more strenuously on the pretended right of insurrection, than when it least existed. The reign of Louis XI. and Henry VIII. was disturbed by no popular revolt. Two kings in later times have perished on a scaffold, victims of this sacrilegious philosophy which attributes a right to subjects of judging the sovereign: and these two kings were humane princes whom history will have only to reproach for having held the reins of government with too slack a hand. England annually expiates, by a solemn commemoration, the murther of the unfortunate Charles I. The time is not, perhaps, distant, when France will raise altars to the virtuous Louis XVI.

The right of insurrection is no less pernicious to those who challenge it, than to the sovereigns against whom it is directed. It may be laid down as a general maxim, that all revolutions are made at the expence of the people. But this maxim is still more evident, in respect to the revolutions which are made in the name of the people, under the pretext of their interest, borrowing their strength, and making them to intervene as the principal actors. In the revolutions produced by the rivalry of two princes, or of two parties who dispute for the authority, the state is torn by civil war: but the religion, the laws, tribunals, property, and manners, all the foundations of society remain. The state may have changed the master, the principles of government may have been modified: but a government and a state remain. The political machine, shaken by a momentary concussion, is established again of itself; and in general the effects of the revolution affect not the bulk of the nation. This is not the case in a popular revolution.

A people, when raised, pretends not to dispute the authority but to abolish it: it will be free, and thinks it can only be so when it sees all the laws beneath its feet. It knows not how to limit its views, nor bound its projects, nor to measure its strokes. In the wisest institutions, it sees nothing but abuses: strenuous to destroy, inefficient to reform, its impetuous and irresistible progress is marked only by ruin; and the revolution seems to it but imperfect whilst any vestige of ancient establishments remain. Other revolutions are, to states, violent but transient maladies: popular revolutions bring on the entire dissolution and death of the body politic.

CHAPTER VI.

OF THE INVIOLABILITY AND LIMITS OF *THE SOVEREIGN POWER.*

THE repose of empires, and the tranquility of mankind, necessarily demand that the sovereign power, whence all the authority and jurisdiction in the state proceed, should never be amenable to any tribunal. In giving themselves laws and a sovereign, all the members of a civil association have renounced the right of executing personal justice. Every insurrection, whatever may be the pretext, is an infraction of the social compact: it is the employment of force, and not the use of authority: for authority resides entirely in the sovereign, and can never be turned against him.

What I understand by the sovereign is plain. In absolute monarchies it is the monarch governing according to the laws: in mixed monarchies, it is the monarch in concert with the authorities that counterpoise his own: in republics, it is the council or assemblies to which the constitution hath delegated the administration and supreme power. I do not assert that every people should be governed by a king, nor that all kings should be absolute: but I contend that in no form of government can the sovereign be tried by his subjects, and that in every society public power is of right inviolable.

If it be pretended that, at the time when the state was constituted, a compact was interposed between the people and the sovereign, by which the one promised obedience, the other protection and justice, and that this contract is no less obligatory in respect to the sovereign than on the people, I readily admit it. This treaty is consistent with the very nature of the thing, and ought to be supposed, though there were not the slightest trace of it remaining. ROUSSEAU hath imposed

too palpably on his readers, when he accused the defenders of sovereign authority with questioning, whether the human race belonged to a hundred individuals of their species, or this hundred belonged to their kind; and when he reproached them with dividing the human race into flocks like sheep, each of which has its chief to keep and devour it. It certainly is not from the writings of philosophers formed in the school of religion, that these abominable notions of sovereignty are taken. It was not on such maxims that those lessons were founded which the immortal author of Telemachus, and the eloquent Massillon inculcated on our princes. We know, and strenuously contend, that sovereigns and people are bound by reciprocal duties, founded on the original contract of political association: but we, at the same time, hold this contract to be of such a nature, that, however obligatory it be on both parties, it will not thence follow, that at the moment when a prince ceases to fulfil its conditions, it is to be considered as abrogated. There are two reasons, strong and decisive, to prove it, from its very nature, irrevocable; and that the people, at least, as has been already observed (unless the contrary had been formally declared in the act of institution) never understood themselves to have reserved the right of arraigning the king.

The first of these reasons is derived from the interest even of the people which cannot be happy but in a state of security and peace; and which, almost always, suffers more from those commotions which are inseparable from any revolution, than it can from the transient abuse of a bad reign. They are the evils which anarchy brings after it, that have caused the necessity to be felt of a common law and a sovereign as the depository of the public force. But the right left to the people of superintending the employment of the public force, of controlling the common law, and revoking at pleasure the social compact, could bring back anarchy with all its horrors.

The second reason is founded on this, that in case, even of the non-compliance of one of the contracting parties, the dissolution of the contract must be pronounced by the clauses of

the contract itself, or by a judge, and not by the party pretending to be aggrieved, for, otherwise, nothing would be so easy, as, under some frivolous pretexts, to elude the most solemn engagements. But, in the first place, let us advert to those governments where the authority of the prince is not limited by the constitution. In governments of this class, the prince is engaged to his subjects by either an express or tacit promise, that binds his conscience, without limiting his power; because, at the same time that he is obliged to govern well, he continues sole judge of what the due administration of government demands. In the second place, if the dissolution of the social contract be not decidedly pronounced by the contract itself, it cannot be by any other human power. For the sovereign and subjects acknowledge no common judge: there is no tribunal before which a process of this nature can be brought; and since it cannot be decided, the process between sovereign and subjects cannot exist.

The social contract in the greater part of governments, resembles that of marriage, which is, in like manner indissoluble, since the infidelity of one party does not set free the other. The welfare of families, public order, the interest of morality require the bond of marriage should never be broken; and considerations not less important that the social contract should be sanctioned with the same character of perpetuity and indissolubility.

In saying that the people have not reserved to themselves the right of arraigning the sovereign, I have pretended to speak only of those constitutions where this reserve is not formally expressed. For in other respects I would not deny that the social compact may be susceptible of irritating clauses; and indeed such are to be found in some constitutions. But whether these constitutions are better than those where a nation, giving itself up without reserve to its masters, not wishing to foresee or suppose that they might abuse their authority, is a question on which it is no less difficult than useless to pronounce. Each side hath its advantages and inconveniencies. In the one, the people shew themselves more jealous of their liberty: in the

other, they are more sensible of the value of the public tranquility. These two interests have always some opposition, and as it is impossible not to take from the one what is given to the other, it is the national character that must determine the tendency of government. In a democracy, liberty, in the extreme, verges towards anarchy: under despotism an entire calm subsides into servitude: monarchy, absolute and hereditary, is less favourable to liberty than limited governments and elective monarchies: but this disadvantage is compensated by a greater stability; and, at bottom, a government firm and uniform prevents the disturbances by which liberty is destroyed. If it have recourse to greater restrictions, it is the better to defend itself against the attacks of licentiousness.

It is not true, as ROUSSEAU pretends, that absolute power is contrary to natural right, and that a people cannot submit to it, without falling into slavery. Men that enjoy civil liberty are not slaves. But absolute power, when the use of it is regulated by the constitution, admits the existence of civil liberty. Hence arises the difference between absolute monarchy and despotism. A people which subjects itself to a king does not alienate its liberty, it does not, with a surrender of persons, give up property also; but it places property, persons, and liberty, under an inviolable safeguard. It voluntarily sacrifices one part of its natural rights, because it cannot, but at that price secure to itself the peaceable enjoyment of the rest.

The Minister JURIEU asks, what reason could any people have had for submitting to a master able, by his power, to injure them. "The reason," replies the eloquent Bishop of 'Meaux, 'that obliges the freest people, when it is requi-'site to lead them to war, to renounce their liberty, and give 'their generals an absolute authority over them. The ha-'zard of perishing, even unjustly, under the orders of their 'general, rather than expose themselves, by division, to a cer-'tain loss from the hand of their more united enemies. A 'people that has experienced the evils, the confusions, the 'horrors of anarchy, gives up every thing to avoid them. 'And as they can give up no power over themselves, that

'may not be turned against themselves, they choose to incur 'the risque of being sometimes ill-treated by a sovereign, 'rather than be exposed to suffer those excesses to which, 'from the reservation to themselves of any power, they be- 'come liable. But, in this view, it is not to be imagined that 'sovereigns are intrusted with an unlimited power. For, not 'to mention the bounds of reason, and of equity, there are, 'though they be not adverted to, the bounds of self-interest, 'which is seldom overlooked, and which, when seen, is 'never despised. It is this that hath created all the rights 'of sovereigns, which are not less the rights of their people 'than their own.

'The people forced, by immediate necessity, to submit to 'a master, cannot do better than to interest him whom they 'thus set over them in their own preservation. To commit 'the state to his hands that he may preserve it, as his own, 'is a very effectual expedient to interest him: but, to attach 'him to the public welfare by the most powerful of all consi- 'derations, the empire should be conferred on his family, that 'he might thence be induced to love the state as his own in- 'heritance, and as much as he loves his children. It is equally 'advantageous for the people that the government should be- 'come easy, that it be perpetuated by the same laws which 'perpetuate the human race, and that it should go on, if the 'expression may be used, in the ordinary process of nature. 'Thus, the people, where royalty is hereditary, are appa- 'rently deprived of the privilege of electing their princes; 'but, at bottom, this destitution is a real benefit. The peo- 'ple should regard it as an advantage to have a sovereign 'statedly provided, and not, if I may so speak, to be reduced 'to the necessity of providing such a main spring anew. So 'that it is not always from a dereliction of their interests, nor 'from weakness that they submit themselves to powerful mas- 'ters: but often, according to the genius of the people, and 'the constitution of the state, more from wisdom and pro- 'found reflection.

'It is then,' continues BOSSUET, 'a great error to believe 'that no bounds can be set to the sovereign power, but by

'preserving a sovereign right over it. What you would enfeeble for the purpose of diminishing the power of doing you ill, by the condition of human things, is as much disqualified for being able to render you service; and without limiting the power by the force which you may reserve against it, the most natural means to hinder it from oppressing you, is to interest it in your safety.'

I have cited this long passage, to justify absolute monarchy against the declamations of so many inconsiderate writers, without meaning to conclude that this government may be the best and fittest for every people. So far from giving an exclusive preference to any certain form of government, I would wish every one to remain persuaded that the best of all forms of goverment is that of his own country.

Since then the subjects of an absolute government have no power of calling the sovereign to account, does it follow that the sovereign, set free from all law, may govern according to his own caprice, and that subjects owe a blind obedience to his will? No: the sovereign in a constituted state is not a despot, nor are the subjects slaves. In the first instance, the prince is subject to his own laws, because he is the first citizen, though he be not subject to the penalties of the law, because there is no coactive power against the supreme power. In the second place, he is obliged, equally with the lowest of his subjects, to bend under the laws of nature and religion. Opinion even, and the sentiment of honour, which is stronger than all laws, necessarily modify the exercise of authority. Finally, in all moderate governments, even in absolute monarchies, there are fundamental laws from which the prince cannot depart, and in clashing with which all his power would be broken. Every attempt against these sacred laws would be utterly null: not only are his subjects holden to obey, but it becomes their duty to resist him as much as possible, without endangering the public weal.

Let us take, for example, the constitution of the French monarchy. The order of succession to the throne, the distinc-

tion and privileges of the three orders, the particular laws and immunities of different provinces, the necessity of the consent, either expressed or implied, of the nation to new imposts, the registration or publication of laws by the Sovereign Courts, in default of the acquiescence of the states general, the right of every citizen to be judged by the tribunals only, and according to the established forms, the not being liable to be removed from offices, &c. Such are the fundamental laws that compose the national rights of France. It is not to these primary laws that the maxim, *thus wills the king, thus wills the law*, is applicable, but only to the secondary laws and the administration. In delegating to the king the legislative power for every thing that concerns the government, the constitution subjects him to those laws which were not enacted by him, and which are the expression of the general will at the very birth of the state.

But should it happen that the prince were disposed to attack any one of these fundamental laws, what is the nature of the resistance which it is permitted to oppose to him, and what the extent of that opposition?

A prince that exceeds his authority hath not entirely lost it; and even then it is not permitted to attack him with an armed hand. Subjects have not the right of making war on the sovereign, who alone can dispose of the public force. It is necessary then to confine themselves to a negative resistance. It is necessary, in refusing to obey illegal orders, to preserve the sentiment and habitude of submission, in whatever is not evidently contrary to the constitution of the state; for in all doubtful cases the authority that has possession ought also to have presumption in its favour: it never should be forgotten that the prince is the common father; and as it is not permitted to a son to resist, by open violence, the unjust will of a father; nothing, after having recourse to petitions, remonstrances, and protests, remains for subjects, but to wait for the redress of the wrongs they complain of, either till the prince shall have been better advised, or till the accession of his successor.

It is by this mixture of firmness and moderation, that the parliaments have often stopped the enterprizes of some kings, dazzled too much by arbitrary power, and that, without shaking the state, they have preserved to these last times the French Constitution, if not in all its integrity, at least without any other alterations than those which were almost necessarily brought on by the course of ages, the change of manners, and the instability of human affairs. If, in times of difficulty, and even in our days, these bodies have sometimes exceeded the bounds which the laws of the kingdom prescribed to their resistance, it is only to be imputed to the principles of the revolution, which kindled up the wars of the League and the Fronde, and which, since, under the auspices of modern philosophy, have insensibly gained possession of mens' minds.

But, once more, if the prince employ the public force only to oppress his subjects; if he arbitrarily dispose of the property, the honour and the life of citizens; if, in a word, he govern as a tyrant, would they, under these circumstances, be confined within the bounds of a merely negative resistance? Would it not be permitted, in this case of lawful defence, to repel force by force, and to overturn an authority, the abuse of which would be so manifest and intolerable?

The question is odious and useless. It is not in Europe, amongst christian nations, and in our modern governments, that Caligulas and Neros arise. The maxims of a religion that breathes only gentleness and humanity, the general spirit and public manners, the political and commercial relations of the different states, distinction and the acknowledged rights of the different orders of society oppose an insurmountable barrier to this inundation of tyranny. It is only against cases that are foreseen that principles are established. But, after all, if it were to happen that, God in his wrath should place on the throne one of those monsters which are less the kings than the executioners of their people, there would remain a remedy more lawful and less dangerous than revolt: this would be to place over the prince so furious and weak, a protector who should rule in his name. This measure, of which we have an

example in our own history, would secure the public tranquility and preserve the respect due to royalty. The law that, in hereditary monarchies, appoints a regent to a minor king, is applicable in all cases where the sovereign is of himself unable to govern.

In fine, to follow the hypothesis to its utmost extent, and admitting that an infatuated prince should threaten to treat his people as Antiochus did the Jews in the time of the Maccabees, I should say with BOSSUET (*Princip. of Policy drawn from Script.*): 'If subjects owe nothing to a king who abdicates royalty, or 'who intirely abandons his government, what should we think 'of a king who undertakes to shed the blood of all his subjects, and who, weary of massacres, sells to strangers those 'that remain? Can any one more openly renounce them as 'subjects, or more loudly declare himself to be no longer the 'king and the father, but the enemy of all his people? Such 'was Antiochus in respect to all the Jews, who saw themselves 'not only abandoned, but exterminated as a body by their 'king, and that without the commission of a fault, as Antiochus himself was at last constrained to confess.'

Principles, however, are one thing, and the ordinary process of human affairs another. In principles, it is necessary to hold that the abuse of authority does not destroy the claim to it; and consequently, that it is not permitted in any case, even in that of a general oppression, to revolt against the sovereign. But, on the other hand, it would be perhaps too much to expect from human weakness, that, when seeing itself subject to the caprices of a barbarous and infatuated master, any people would patiently submit to be the sport of them. It would be difficult for subjects, unjustly attacked by the force that ought to protect them, at all times to preserve the moderation of a just defence; and open revolt, without ever becoming lawful, would be the almost infallible result of authority so flagrantly abused.

What then hath been so often repeated, that the doctrine of submission to authority is proper only to encourage bad

princes, is by no means true. Kings are not ignorant that men are more frequently determined by their interests than by principles. They know that a people urged to extremity is no longer restrained by moral considerations, and that they consult only their resentment and despair. The experience of all ages hath evinced that the excess of power destroys itself; that oppression provokes revolt, and that the crimes of kings are almost always punished by the crimes of their people. If the principle of submission bind the people under good kings, notwithstanding the abuse inseparable from a vast and complicated administration, it is too weak to encourage bad princes, against resentment and fear. The people are happy only from submission, but the prince is powerful by justice alone. And as it hath been seen that it is the real interest of the people to make the glory and security of those that govern depend on their prosperity; so it is the true interest of those that govern, that the people should find themselves happy under the peaceable exercise of their authority.

CHAPTER VII.

OF THE SOVEREIGN AUTHORITY IN THE *PRINCIPLES OF RELIGION.*

HITHERTO we have considered the sovereign authority but as a human institution, and we have proved that the interest of the people demands it should be preserved inviolable, and in no case, nor under any pretext, that it should be permitted to the multitude to change the form of government. This doctrine is built on the first and most evident of political principles: *Salus populi suprema lex esto:* the good of the people is the supreme law. The inviolability of the sovereign is less a prerogative granted to a prince, than a right established in favour of the subjects.

This is what reason, enlightened by history, will shew. But religion, the source of all rights and duties, reflects new light on this truth. All our evils spring from forgetfulness only of its maxims; they end only when we return to this school of truth and happiness.

God is the author of society, since he hath formed men with those faculties and attachments which invincibly determine him to an intercourse with his fellows. But, if God be the author of society, he is also the protector of it. The world which he created by his power, he governs by his wisdom; and, without doubt, he hath not abandoned to chance, and withdrawn from the empire of his Providence the only one of earthly beings whom he hath rendered capable of morality, and raised toward himself by knowledge and love.

God is the author of society, in the sense that social life is a necessary consequence of the nature of man; though not the immediate author of such or such a society, or of such or such form of government. With the exception of the Jewish peo-

ple whom he governed by a particular providence and supernatural means, God hath left all nations the right of establishing that government which they should judge most proper to render them happy. Their liberty, in this respect, is restrained only by the laws of nature and religion. All government that hath nothing contrary to the divine laws is lawful, and all lawful government is under the protection of God.

In the institution of government it is necessary to distinguish that which is of the people, and that which is of God. The people appoint the form of government: they choose the person to be invested with the sovereign authority, but it is not from them that the authority proceeds; it is God who confers it on the presentation of the people. Not only doth he intervene as the witness and guarantee of the social compact; but he gives the investiture of power, because all power, all authority, all jurisdiction emanates from him; and because no man would have the right of commanding his equals, any farther than he received it from that Great Being who reigns over human nature by the double right of Omnipotence and Creation. As the supreme head of society, and the arbiter of life and death, God establishes the prince as his vicegerent, and places the sword in his hand for the defence of the good and the terror of the evil; he renders his person sacred by reserving to himself alone the right of judgment over him. It is in his presence, and by his awful name, that the sovereign swears to govern, protect, and defend the people, and that the people swear to obey the sovereign. By this double oath the prince and subjects engage themselves towards God more closely than they bind themselves to each other: their rights and their reciprocal duties assume a more august character: their public interest is blended with the eternal interest of their chief and all the members of the state: rebellion and tyranny are no longer simple crimes of treason against the prince and the nation, they are sacrileges properly so called; rebellion, because it is an attack on God himself in the person that represents him; tyranny, because it employs to do evil, a power which came from the author of all good.

All power comes from God: *Non est potestas nisi a Deo.* A sublime maxim, on which the whole social system rests, of which the sages of antiquity have felt the necessity, and perceived the truth, but which was reserved for the Christian Religion to place above the vain reasonings and uncertainties of philosophy. A power which had no other principle than the will of men would have been too precarious: they who had given it would have thought they had a right to retract it. In vain, to support it, would the original contract be alledged, and the preservation of public tranquility. Conventions, purely human, would be cheaply violated, and the factious would be at no loss for pretexts taken from the general interest. In a word, revolt would be only an imprudence, and not a crime.

There can be no policy without morality, nor morality without religion. All obligation that has not God for its object can reach only to the conscience, and has no control over the passions. Can man irrevocably bind himself by his own will? Can men impose duties on other men? Are not all laws subordinate to personal interest? By what motive can that man who confines all his fears, and all his hopes to the present life, determine to prefer his duty to life itself, to his fortune, to his pleasures? Do you talk of reason and its imprescriptible rights, what is reason independant of the will of that great Being, who is the source of all truth? Absolute truth, that alone which, in all possible cases, conciliates personal interest with the common, is the will of God, as revealed to us by reason, and by revelation, which is the supplement and perfection of reason. But both, more especially revelation, informs us that sovereign power comes from God, and that whoever resisteth the power, resisteth the ordinance of God. *Qui potestati resistit, ordinationi Dei resistit.*

In political society, as in natural and domestic, all power comes from God, the sovereign power as well as the authority of fathers, of husbands, and of masters; and in either society authority tends to the happiness of those who obey. The sovereign is placed over all, to superintend the safety of all. The supreme power with which he is invested, the splendour

that surrounds him, the sort of homage paid him, the unction that consecrates him, every thing that seems to raise him above the ordinary condition of humanity, is conferred upon him only for the good of his subjects. It is for them, and not for himself he is king. His people are not his property: they constitute a part of the great family which the common father has confided to him. If he acknowledge no judge on earth, his conscience, and the cries of the oppressed, will cite him before the awful tribunal of that Judge who seeth all, hath all power, and whom nothing can corrupt. Authority is stripped of its pride, when derived from him before whom kings are nothing, and conferred with the condition of giving back with it a rigorous account. On the one hand, submission is ennobled when referred to the supreme monarch, who hath established the transient relations of king, magistrate, and subject only to prepare us for the honours of that eternal city, where no distinctions but those of virtue will be acknowledged. There are no sacrifices that a state cannot demand from a citizen, when God engages to repay them. Devotion to certain death is no longer a splendid folly, it is a duty avowed by reason, when religion shews us beyond the grave the reward of that blood which is spilled for our country.

Such is the idea that religion gives us of the duties and prerogatives of the sovereign. In this beneficent system every thing relates to the interest of the people. Respect, obedience, fidelity, are, to subjects, religious duties, because the sovereign authority is an emanation of the divine power; and kings, according to the beautiful expression of a Father of the Church, are the second majesty after God. But, on the observation of these duties depend also the prosperity of the state, the peace of families, the happiness of every citizen. Sound policy demands that the people should never attempt the sovereign authority: but policy alone cannot create a duty nor bind the general conscience. It is necessary that religion should fasten the first link of the social chain to the throne of the eternal; that it should exhibit to their people kings as the representatives of the Divinity; that it should display his threatenings and his promises to constrain the natural and dan-

gerous passion of self-will. It is requisite also that the sovereign power should be submissive to the laws; and as that power whence all human laws borrow their authority, cannot be subjected to such laws; it is the property of religion alone to command sovereigns. 'Though religion,' says MONTESQUIEU, 'were regarded as useless in subjects, it cannot be so 'in respect to princes, who should whiten with their foam the 'only curb that can be put on those who fear not human laws. 'A prince that loves religion and fears it, is a lion that yields 'to the hand that flatters and the voice that soothes it: he that 'fears religion whilst he hates it, is like the wild beasts which 'bite the chains that hinder them from falling on those that 'pass: he who is destitute of all religion, is only conscious 'of his freedom, whilst he is ravening and devouring.'

It is by thus uniting the general interest with the personal, that religion solves the grand problem of policy. Reason makes us feel the want of an authority, and the necessity of submission: it shews us the error and danger of those principles by which men undertake to justify rebellion. But of what avail are cold lectures against ambition and lust? What repulsive force is there to oppose against a powerful man, who should meditate to inslave his country? How convince a multitude ever greedy of novelties, ever ready blindly to receive the impressions of those who would excite them to commotions? Religion alone establishes on a solid basis the tranquility of empires, by placing, as the great BOSSUET expresses it, the throne of kings on the conscience of subjects, and by forcing us to admit that rebellion, whatever be the pretext, is no less contrary to our individual interest, than to the interest of society.

It was from the influence of this truth, that the ancient legislators, Lycurgus, Solon, Zaleucus, and Numa introduced the gods as authors of their laws. Necessity alone could have constrained these great men to debase themselves to political impostures. They knew that authority had no force on earth, any farther than as having its root in Heaven, and that it was only a vicious circle in morality to constrain the passions by the passions. Being unable, or perhaps not daring to

raise the people to the knowledge of the true religion, they borrowed from superstition this first spring that produces and regulates the motion of the political machine. They purchased or feigned oracles, and honoured the gods from their own wisdom, to procure for their institutions success and perpetuity. Plato and Cicero, who knew the utter absurdity of the fables of paganism, injoin the worship and fear of the popular gods as the first law in their ideal republic. So persuaded were they that there could be no society without some sort of religion, and that it was no less difficult, as Plutarch asserts, to found a state on atheism, than to build a city in the air.

With what joy, with what gratitude would they have received a religion that converts into popular maxims all the opinions that are of use to the human race; that decides with authority every position that philosophy brings into question; that rests upon proofs so accommodated to every mind as to convince the sage, and persuade the ignorant: a religion that inforces every motive to virtue; that rivets every band of society, and of which every precept hath no other tendency but to form of all men a people of brothers and friends!

'How admirable,' says MONTESQUIEU again, 'is the 'Christian Religion, which seems to have no other object than 'the happiness of another life, whilst it promotes the happi-'ness of this! It is the Christian Religion that, notwith-'standing the extent of the empire and the disadvantages of 'climate, hath prevented despotism from establishing itself in 'Ethiopia, and introduced into the midst of Africa the man-'ners of Europe and its laws. Let us turn our eyes, on the 'one side, towards the continual massacres of kings and the 'chiefs of Greece and Rome; and on the other, to the destruc-'tion of nations and cities by the same chiefs, Timur and 'Gengis-Kan, who ravaged Asia, and we shall see that we 'owe to Christianity, both in government a certain political 'right, and in war a certain right of nations which human 'nature can never sufficiently acknowledge.' 'Genuine 'Christians would be by far the best informed citizens in re-

'spect to their duties, and the most zealous to fulfil them. 'The more they believe they owe to their religion, the more 'do they think they owe to their country. The principles of 'Christianity deeply engraven in their hearts, would be infi-'nitely more strong than the false honour of monarchies, the 'humane virtues of republics, and the servile fear of despotic 'states.'

Why then should the legislators of the revolution have persecuted, with so much eagerness, that holy religion under whose shade France had for so many ages reposed? They could not have been ignorant that Christianity bends to every form of government, and that in republics, as well as in monarchies, it is the surest security of public tranquility and the observance of the laws. But they know also that this religion, the friend to order, could not favour rebellion, and that accustomed from its cradle to respect lawful authority, even in its persecutors, it would never abandon the cause of a government, to which it was attached by principle and by gratitude. A religion that places on the same line what we owe to God and to Cæsar, was too incompatible with the projects of usurpers: it became necessary to attack the throne with success, that the altar should be overthrown on which it was placed.

Besides, the plan and execution of the French Revolution are, in a great part, the work of a philosophic sect, too long emboldened by the weakness and imprudent security of government. Shallow smatterers in literature, despairing to attain to the glory of the great writers of the age of Louis XIV. had gained a name by the boldness and singularity of their paradoxes. They astonished the ignorant, who took for discoveries old errors proscribed amongst all civilized nations: they seduced the vicious by flattering and inciting the basest passions of the human heart: above all, they drew aside the young, who, since the extinction of a society whom the Church, the State, and Letters, cannot sufficiently regret, have studied religion in VOLTAIRE, morality in HELVETIUS, and public law in RAYNAL. Daily had this corrupting sect been advancing in a corrupted nation. At first the philosopers demanded to-

leration only, they claimed no more than the liberty of thinking; but the arrogance with which they preached their doctrine, the fanatic zeal with which they propagated it, and their contrivances to gain over the public opinion, betrayed to every clear-sighted observer, what the correspondence between VOLTAIRE and D'ALEMBERT hath discovered, a pre-meditated plot by all possible means to destroy the Christian religion. It was easy to foresee, and ROUSSEAU, who knew them well, foretold that, if ever they became masters, the philosophers would be the most intolerant of men. The revolution hath rendered them omnipotent, and the prediction of ROUSSEAU is accomplished. Becoming legislators, they have called in violence to the aid of seduction, and joining the cruelty of Galerius to the artifices of Julian, they began the most bloody and dangerous persecution that the Christian Religion hath ever experienced.

In this ever memorable struggle of philosophy against Christianity, of tyranny against conscience, the divine force of that religion hath been rendered perceptible, which, according to the promises, and the express prediction of its founder, will be always persecuted and always triumphant. The faith which seemed to have been lulled asleep in the calm of a long peace, was re-animated under the sword: from the blood of the martyrs will spring up a numerous and flourishing posterity. The worship of the Catholic religion hath been abolished through the whole extent of France; its pontiffs and its priests have been massacred, imprisoned, or banished; its altars overturned, its temples demolished, or basely profaned. Those false pastors, to whom perjury had consigned them, have, with their own hands, destroyed this schismatic church, which deceived the people by its resemblance to the true. Philosophy hath not left, in this most Christian kingdom, a single trace of Christianity: but in the midst of so much violence and such scandals, religion hath not perished; it hath lost its worship, and preserved its spirit; driven from its temples, it hath taken refuge in the heart, where it hath become more pure, and whence it braves the rage of the tyrants. A day will come, when with only its proper arms, pa-

tience, virtue, and truth, it will triumph over its executioners, and break forth with new splendor.

Waiting in the mean time with a firm confidence, when the term which God hath appointed for the trial of his Church shall arrive, let us examine what will be the political result of the entire abolition in France of the Catholic worship.

CHAPTER VIII.

REFLECTIONS ON THE ABOLITION OF THE *CATHOLIC WORSHIP IN FRANCE.*

THE Catholic religion, more ancient in France than the monarchy, was the prevailing and national religion. Its laws had the character and authority of laws of the state, its ministers formed an order in the political constitution. The respective rights of the civil power, and of ecclesiastical authority were fixed on the sound maxims of antiquity; and the harmony that reigned between them reciprocally confirmed the empire of law and of religion. In one province of the kingdom, Lutheranism, by virtue of a capitulation, partook with Catholicism the rights of the prevailing religion; every where, Calvinism and Judaism enjoyed the full toleration that the rights of conscience demanded, and the welfare of the state permitted. France had no need of new laws for religious toleration: it in particular wanted not that law which, confounding error with truth, and the most dangerous novelties with the established order, permits the exercise of all religions only to destroy the religion of the nation.

By proclaiming an unlimited toleration of all worships, the constituent assembly meditated and prepared the proscription of the Catholic. By an hypocritical and insidious progress from one decree to another, it came at last to declare that the law no longer acknowledged any religion, which amounted, on the part of the state, to a public profession of atheism. Nevertheless it was still necessary to use some management; and to conceal from the people the view of that abyss to which they were gradually led, some external forms of religion were suffered, but which were abandoned, for a fixed salary, to perjured priests and apostate monks. Hence the *Civil Constitution of the Clergy*, a monstrous production of philosophy and Jansenism, which had no hold on the political constitution,

and which, it was obvious to foresee, would one day be detached from it. Hence that tyrannical oath invented to remove from the people every minister faithful to God and the king, and to leave only those who, by abjuring the Gospel, declared themselves the apostles of the revolution. Hence the imprisonments, the banishments, and the massacres of those priests, who, on the principles even of the new constitutions, have never been convicted of any crime, but that of not belying their conscience.

No interest, but the design formed to annihilate religion, could have inspired the constituent assembly with the idea of so impolitic an innovation. Already had it seized all the property of the Church, and this flagrant usurpation had excited no commotion. The clergy had seen themselves stripped of their ancient and legitimate possessions, without giving vent to a complaint that could disturb the public order. It had been enough, if they had wished only to enrich themselves by a sacrilegious theft; but the assembly extended their views further: it considered the plunder of the clergy as the means of debasing them, by holding them dependant on their salaries. To add to this dependence, it ordained that all the ministers of religion should be nominated by the people: it changed, by its absolute authority, the circumscription of the dioceses and parishes; it destroyed the hierarchy instituted by Jesus Christ, by equalling priests with bishops, and by breaking the bonds which united the bishops with the supreme head of the Church. With the civil constitution of the clergy, the schism was decreed; and on the ruins of the Catholic religion was erected in France the Constitutional Religion, which, having no root in the conscience, after having been for some time maintained by favour of persecution, sunk under the contempt of the people, and consummated the apostacy by precipitating itself into atheism.

Thus that unlimited toleration granted to all worships by the declaration of the rights of man, is changed, with respect to the Catholic religion, into an intolerance of which the records

of tyranny have left no example, and France hath no longer had a religion, from the instant that all religions were licensed.

But whatever contempt may have been affected for religious opinions by our philosophic legislators, they soon discovered that the people could not long be governed by enthusiasm and terror; that a patriotism, sublimated by licentiousness, could not fill the place of every domestic and social virtue; that the same passions which they knew how to direct against public order in the effervescence of a revolution, would infallibly turn upon them, as soon as the mind should begin to cool; and that if, to disorganize the kingdom, it were necessary to take from the people the curb of religion, it would be no less necessary to bridle them anew, if they would procure for their institutions a permanent seat. ROUSSEAU himself *(Social Contract)* might have taught them, that never was there a state founded, to which religion had not served for its basis.

A people that loses religion, loses with it all idea of morality, justice, and civility. It is less from reflection than sentiment, still less from sentiment than habit and education, that people of every condition learn to know and cherish their duties. The principles of morality, which are eternal truths to the wise man that meditates upon them, are often no more than prejudices in respect to the vulgar. The generality of men, unable to form opinions for themselves, possess only those that others have given them. And as it is an indisputable fact, that the people at large are incapable of any other education than that of religion; so it is no less certain that religion alone can legitimate these salutary prejudices, in so much as its authority is a reason, that, in ignorant minds, holds the place of every other reason. 'The knowledge of his duty,' says MONTAGUE, 'ought not to be left to every one. It is necessary to prescribe it to him, not leave it to his choice. 'Otherwise, according to the weakness and variety of our 'reasons and opinions, we shall at last forge duties which 'will set us to devour one another.'

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The tyrants that oppress France have employed atheism to accomplish their object. For them, and such as themselves, this dreadful doctrine was invented. But the interest even of tyrants at last will require that their slaves should have a religion. What religion will the National Convention substitute for the Catholic?

Will it be Deism, that is, the few principles common to all religions, which, according to our philosophers, will suffice for moral purposes, without blending with them the particular doctrines of Christianity? But it is a palpable delusion to fancy that a people, who have been made to abjure Christianity, will continue to believe these fundamental principles; and we shall impose on ourselves still more, by adopting the persuasion, that this pretendedly national religion can have on the multitude that influence which is necessary to the good order of society.

God forbid that I should attempt to shake the certainty of those doctrines which in some sort are the symbol of the human race. I am well aware, that independantly of traditions coeval with the creation of the world, reason of itself supplies us with convincing proofs of the existence of one original Being, of his Providence, of the immortality of the soul, of the reality of a future life, in which virtue will receive its reward, and vice its punishment. But I know also, and the histories of all nations, the examples of all philosophers have taught me, that these great truths have been either entirely misconceived, or strangely altered, wherever the light of the Gospel hath not reached; and that on these points, so important to the knowledge of man and of virtue, Christianity alone hath terminated the scandalous disputes of philosophers, and invariably fixed the belief of the people. It is not by philosophy and reasoning, but by the authority of revelation, that mankind, so long divided between superstition and impiety, have at length been raised to the knowledge of the true God. Destroy this authority and at once will revive uncertainties, systems, and the most monstrous errors.

No, you will answer me, we will not destroy revelation, we would only refine it, by freeing it from those incomprehensible dogmas that are offensive to reason, and those positive institutions which burthen morality with duties inconducive to the happiness of man. *To be just, is sufficient; the rest is arbitrary:* we reject the mysteries of Christianity; but we preserve all the natural principles and precepts of the Gospel.

Were I to reason as a theologian, I would ask what right you have to choose amongst truths equally revealed, and therefore equally necessary; and why, by overlooking the principal object of religion, which is to prepare us for a future life, you make it to be nothing more than the mere instrument of policy. But considering it rather under this last point of view, I maintain, that by separating theology and natural morality from the peculiar doctrines and precepts of Christianity, you deprive religion of all its influence on the public manners and order.

The proof of this is not hard. From the instant you have brought the people to limit their belief as to what religion hath taught them, it is evident they will no longer confide in the sole authority of religion, and it will then remain for you to convince them, that application of reason to this subject hath invariably been productive of error. The people, to whom all doctrines are mysteries, all precepts an irksome restriction, will no longer respect natural principles and precepts, than the principles and precepts of revelation. Still less will they respect them, because that your reasonings, combated besides by the sophisms of the atheist and materialist, will be to them a metaphysical and unintelligible jargon. The doctrines of revelation give them a more sensible and affecting idea of the divinity than can be obtained from natural deductions: the God of Christianity is more present to the mind and the heart than the God of philosophy. Positive precepts form their manners and their habits; and prepare them for the performance of the natural duties. They keep constantly alive the coals of religion, which business and the passions tend ever to extinguish. The observation of positive precepts constitutes

piety, and piety fosters and preserves religion. A philosophical religion attaches neither the mind nor the heart. Every one retrenching, or adding to it according to his character, humour and fancy, it will with some degenerate into impiety, and with others into superstition. Though it were true that such a religion might suffice for a sage, it is obviously certain, that it would not suit with the many; who, in a political view, are they that stand most in need of religion? It is with religion as with the laws. The laws of nature are not of themselves sufficient to maintain order amongst mankind: it is requisite that positive laws be superadded, without which natural laws would neither be enough known, nor enough respected. It is requisite that the principles and precepts of natural religion should be fixed, promulgated, and consecrated by a positive religion. If there were no positive religion and civil laws, the people would neither regard law nor religion.

To enslave the people to your opinions, will you assume the language of authority? But who are you, to be believed on the credit of your word? The people believed their priests because they spoke to them in the name of Heaven, and because their mission was supported, not only on the prejudices of education, but also on the authority of the Church, that is, on the testimony of a society spread over the world, by whom the authentic facts and divine doctrines which its founders transmitted, have been attested through an uninterrupted succession, and who, in the constant inculcation of truth, have need only to declare to day what they declared yesterday; an authority of all others the most impressive, and the infallibility of which would have arisen from the nature of things, though it had not been founded on the express promise of him to whom all power is given in Heaven and on earth. But, ye who pretend to dictate laws to thought, where is your authority? What is your mission? Reason, you answer, and the truth. But the same hath at all times been the language of sophists and impostors. In this very age, so proud of its philosophy, the precious dogmas which you wish to preserve, have had for their adversaries writers who as strenuously professed to teach the truth only, and to follow only reason. Hence, it no doubt

is perfectly becoming in you to invoke reason, who have deified it to consecrate only such turpitudes as a people of idolaters would have blushed at, to associate with its worship alone the worship of the execrable Marat.

Let us, however, suppose, in opposition to the experience of every people on earth, that reason hath sufficient authority over the multitude to maintain, in a nation, the belief of the fundamental principles of morality. Let us suppose that, instead of Christianity, a philosophical religion could be established, comprizing every principle that essentially respected political order: it remains to inquire what influence such a religion would have on the public manners.

In the first place, it is necessary to state, as an indisputable truth, that a religion of no sort can exist without some external worship. It is by religion that the people are bound to morality, and by worship that they are bound to religion. Worship is the natural expression of those sentiments which religion inspires, and the efficacious means of exciting them in the greater part of mankind, upon whom intellectual and moral ideas would take no hold, unless they were presented under sensible images. Further, if, as cannot be contested, religion be the surest pledge of probity in men, it is of importance to the general confidence, that each individual should have some assurance in respect to the principles of those with whom he hath to deal. Now religious worship is a public profession of the principles of morality; and although hypocrisy may abuse it, there is no one who would prefer to live in a society where religion made part of the public order, than in a society of atheists. In short, it is necessary that, in every state, there should be a predominant religion acknowledged and protected by law: for the state is a moral person, beset with wants, interests, and dangers, which incessantly admonish it to recur to the Divinity; and besides, if there were no predominant religion in a state, the majority of its citizens would have no religion. But a predominant religion cannot subsist without exterior worship, which constitutes a part of the public order;

and this worship is the medium that transmits to the political community the salutary influence of religion.

Of all known modes of worship, there is no one more proper than the Catholic, either to preserve the doctrines, and cherish the sentiments of religion, or to give them all the effect which the interest of society demands. In those temples, embellished with the masterpieces of the fine arts; in those majestic festivals that revive the consolatory epochs of religion; in those days, consecrated to rest and piety, the people forget their misery: it is during this relaxation from their labours, that they are instructed and stimulated to virtue: every object combines to address the senses, the heart, and the mind. The symbol of that blood * which flowed on the altar; that table where the poor were admitted at the side of the great of the earth, and which was open only to innocence or repentance; that sacred tribune where the oracles of heaven were proclaimed; those regenerating baths, monuments of the oath by which, on entering the world, vice was renounced: those tribunals to which were carried the confession of faults, and where pardon of them was obtained; those sublime and affecting songs which so well expressed the greatness and the goodness of God, and our own weakness and wants; every thing yielded to virtue, lessons, motives, and sentiments. Unhappy must that cold man be, that insensible philosopher who, under the haughty pretext of reducing every thing to reason, should witness, without emotion, this august provision, and depart from these hallowed assemblies without the desire of improvement?

The history of the revolution will declare by what infernal stratagems the people have been detached from a worship they cherished, and how violence completed what hypocrisy and seduction had prepared. It will also avow that, if the first attacks of the conspirators were directed against religion, it is religion that hath first arisen from the ruins, and kindled the first hopes of the re-establishment of monarchy. That weak and perfidious toleration which its persecutors were constrained

* In the original, *le sang d'un Dieu.*

to grant, was sufficient to call forth, throughout France, sentiments the more lively in proportion as they had been suppressed. The people even began to feel the value of religion, which they had suffered to be ravished from them: loudly would they have insisted on its being restored, if they had not been silenced by terror. The atrocity of the laws could scarcely suspend the return of those religious sentiments, which all men so much need, and which so many calamities had augmented the want of to the numberless victims of the revolution. Licentious spectacles, and patriotic saturnalia might amaze and amuse, but could not console the multitude, nor teach them to bear their misfortunes. The people would be atheists from conviction, as they would be religious from sentiment. It will be necessary, at last, to give them a religion; and this religion, although it be granted, will be unable to content them, without a formal and public institution of worship.

It is, however, impossible that the legislators of France, after having abolished Christianity, should establish a worship that can unite the nation, and invariably attach it to those religious principles they might seek to maintain. Ritual observances having no foundation in nature, can only be determined by arbitrary regulations, which the civil power can never stamp with the character of sanctity, and that authority which is requisite to procure them the respect and submission of the people. It is the prerogative of God alone to prescribe that form of homage which he requires, and to regulate the conditions under which he deigns to treat with us. Hence that general and prevalent opinion amongst every people on earth, that religion descended from Heaven: an opinion, unquestionably derived from those primitive traditions of which the grounds have been preserved amongst all nations, and still further justified by the ideas which reason suggests to us from the weakness of man and the goodness of God; an opinion that, to the Hebrews, and to Christians, is converted into fact at the sight of the miracles and proofs of every kind that confirm the divine mission of Moses and of Christ. This opinion being supposed, it is easy to conceive that the people would submit themselves, and be invariably attached to the observ-

ances of an external worship. But if only a ceremonial institute by man can be presented to them, religion would be simply a regulation of police: its laws could be but civil laws at the best; and from that instant the state could gain no advantage through the influence of them on the mind. A religion that borrows from the civil power the whole of its authority, can lend the civil power no force in return. The spring of religion will snap asunder in the hand of an imprudent lawmaker who attempts to bend it at his will.

Another reason which will not permit the civil power to abandon the institution of religious worship is, that moral instruction constitutes an essential in it; and this instruction demands a ministry whose mission should be independant of that power. To consider the subject in a political view only, morality is no further of use than as it is true, invariable, and invested with an authority that commands the conscience. But morality no longer possesses these characters, if it belong to the civil power to fix its principles and to regulate its instruction.

True morality is that which is founded on the nature of man, and the relations which he bears to God and his fellow men. Far from owing its authority to the civil laws, the civil laws are no farther just than as they are found to be conformable to its principles. The rules of morality are prior to civil laws, and superior, not only to the caprices and interest of individuals, but also to the deliberations and political interest of nations. But, there would no longer be any certainty in morality, if it were not supported by the will of God manifested by religion: it would no longer be fixed, it would no longer be the bond of mankind, if every people thought they had a right to bend it to their own political system: it would not speak to the conscience, nor add aught to the obligation of the civil laws, if itself were but a branch of the legislation.

The human race, philosophers themselves, owe to Christianity the knowledge of the genuine principles of morality. It is from the Gospel, as ROUSSEAU has well remarked, that

they have passed into our modern books, which, on this account, are so much superior to the best productions of antiquity. But this morality which, in the mouth of Jesus, is so pure, so sublime, so affecting, would lose all its force were it separated from the doctrines and facts whence its motives are derived. In stripping from Christianity its supernatural properties, it might be reduced to a system, unquestionably more perfect than Platonism or Stoicism, but not less exposed to the contradictions of philosophers, and equally incapable of governing the multitude. I know, that moral truths are more ancient than the Gospel: but before the Gospel they were almost generally misunderstood, and were men used to regard the Gospel as but a philosophical book, they would soon be forgotten. The discoveries of naturalists and geometricians are preserved independant of the authority and names of their inventors, because, after having been once informed in respect to these objects, there is no struggle between reason and the passions. But, when moral truths are in question, the passions exert themselves in a continual effort against reason, and in this unequal combat, reason would infallibly be defeated, if authority came not to its aid. It is by authority alone that Christ converted the world. His doctrine, his life, and his death, would have placed him amongst the sages above Socrates; but it was by his miracles that mankind were subjected to him. The human mind, intractable so long to the voice of reason, bent itself to the yoke of facts. Reason hath acknowleged that it could not command the passions but by becoming itself obedient to religion. Religion alone hath effected in the moral world, and amongst the most barbarous nations, what philosophy could not, in the happiest days of Greece, upon a few of its chosen disciples.

This empire of religion over the public manners hath been supported after so many ages by the persevering instruction of the Church. The doctrines of religion, the principles of morality are irrevocably fixed: the Church itself is unable to change them: every innovation in doctrine is precluded both by its principles and its very constitution. Its instruction has the triple character of certainty, immutability, and authority.

The voice of its simplest preacher is that of the Church at large; and the voice of the Church is that of Jesus Christ, who, in ordaining it to teach all nations, hath promised to be with it to the consummation of ages.

How admirable is this ministry! How exquisitely fitted to the character of a people that, in the religious, as well as political order, requires to be led by its authority! Though the priests of the Catholic Church were considered but as the officers of morality, according to the affected appellation by which they have lately been distinguished, how greatly ought those that govern to cherish an institution so useful to virtue, so favourable to public tranquility! Morality can be taught by priests alone, because morality is nothing when it ceases to belong to religion. Nothing can be more puerile and absurd, than the idea of confiding this ministry to municipal officers and the old men of the communes, to men almost always ignorant and scandalously vicious, destitute of authority but from personal character, neither agreeing with each other or themselves, and whose vain declamations could have no effect but to habituate the people to endless disputes on those necessary truths which religion should teach them to believe. In the whimsical institution of *decades*, the incompetence of our legislators, and the pettiness of their views, are no less prominent than their fanatical hatred to the Christian religion. Nothing had contributed so much toward the civilization of the nations of Europe as the Christian festivals; they had softened the manners of the inhabitants of the country; they inspired the people with ideas of order and decorum; they removed, by the rites and the sentiments of religion, the dangers of idleness amongst a gross set of men, naturally disposed to seek for pleasure in debauchery and excess. In their rejoicings as well as in their sorrows, the people have need to be under the eye of their God.

The abolition of the Catholic worship in France carried with it the abolition of all worship, all religion, all morality. This proscription of Catholicism is not to be compared with that revolution which, in the sixteenth century, took place in

in the sixteenth century, took place in several of the states of Europe. Luther, Zwingle, Calvin directed their mortal blows against the ancient doctrine of the Church, but they respected the fundamental principles of Christianity: in all communions the Gospel hath continued to be revered as divine. The Catholic religion in some countries hath been proscribed; but Christianity is, notwithstanding, maintained with those moral truths which are particularly interesting to the public order. But in France, it is not against the doctrines peculiar to the Catholic Church, it is against Christianity itself that war hath been declared; and with Christianity all religious opinions and morality must fall. In vain will be every effort to establish Deism, or what is called natural religion. A doctrine which has no settled principles, worship, ministers, nor authority, can never become a popular religion. It was through Christianity that the people adhered to those first principles which philosophers have had so much difficulty to reconcile. They believed in God, virtue, and another life, because they were Christians. They abjured Christianity only to plunge, without remorse, into the grossest immorality. They will become more corrupt, without being more enlightened. Instead of believing, from habit and sentiment, the doctrines which restricted them to their duty, they will adopt at suggestion, and without comprehending them, the opinions that let them loose to every sort of vice. Still, however, they find in the recess of their hearts, and in the voice of conscience, the proof of those principles, or, if you will, prejudices, the preservatives of virtue and of social order, whilst those immoral and pernicious opinions, ever in opposition to the sentiments of nature, have nothing to support them but a view to interest and the momentary impulse of the passions.

If, after the loss of public morals, there yet remain aught to regret, I should mention those magnificent establishments which Christian charity had formed throughout all the cities of the kingdom, in favour of the sick and the indigent, and of which the funds have been swallowed up in the wreck of ecclesiastical property. I should cite those institutions, whose members, devoting themselves to the consolation of suffering

humanity, and to which an ungrateful and stupid people have imputed as a crime, that religion, whence they derived the motives of a beneficence so much above nature. I should speak of the sciences and the arts, which owe so much to Christianity, and in particular to the Catholic church. I should recite the immense labours and the brilliant success of the clergy of France in every department of letters. I should shew, that to the hopes which the Church presented, the education it gave, the instructors it formed, France hath been indebted for the greater part of those writers by which it is renowned. I should say, that in France, as in Italy, architecture, painting, sculpture, and music, have received, from the Catholic worship, their most powerful incitements.

But what would it avail to make the cries of the miserable heard by the friends of a revolution which owes all its success to lust, egotism, and an utter forgetfulness of every sentiment of humanity? With what regret could I, in favour of the sciences and the fine arts, inspire legislators void of taste, elevation and sensibility, who, degrading themselves to a level with the vilest of the mob, impress on all their institutions the character of their baseness, and banishing from the commerce of society those attentions, that decorum and politeness which foreign nations came to study amongst us? What could I say to a people intoxicated with equality, that no more pardons a superiority of light and of talents than of rank and of riches; sensible to no glory but that of war, no means of prosperity but plunder; that consoles itself for the horrors of famine by the excesses of licentiousness; destroys in its cities the monuments of genius and the beneficence of its ancestors, and imagines itself regenerated from having joined to the corruption of its ancient manners the ignorance and ferocity of the Vandals?

CHAPTER IX.

OF THE *CONSTITUTION DECREED IN* 1791.

FROM a retrospect on the revolutions that, in France, have so rapidly followed each other, superficial observers think they discover the fickleness and levity of the nation. But whoever would go back to the first cause of these troubles, which have been continually renewing, will find it not in the national character; that, on the contrary, hath never shewn so much energy and perseverance; but in those fatal principles which gave the first shock to mens' minds, in the declaration of the rights of man, in the constitution formed by the first National Assembly.

This constitution, proclaimed with such parade, accepted with such enthusiasm, confirmed with so many oaths, is of itself crumbled to nothing, and hath perished by the vice of its own composition. It would be equally useless and disgusting to examine it in all its details. But as it still has its numerous advocates, not only in France, amongst those to whom it gave up the riches stripped from the clergy and noblesse, but also in foreign countries, where it is little known, I cannot forbear casting a glance on its origin, its principles and results.

Considered in its origin, the constitution of 1791 is criminal, because it is the fruit of revolt: it is null, because it is the work of men without mission, character, or authority. The powers of the States General were determined by the ancient constitution of the kingdom, and by the assent of the provinces, expressed in the representations which each bailiwick had remitted to its deputies under the religion of an oath. Let us open these representations which contain the free and legal will of all France, and we shall find in them abuses stated, reforms proposed, and improvements pointed out; but

the principles themselves, of the French monarchy, established and consecrated by a solemn acquiescence of the nation: in most of them, the acknowledgment of the royal authority full and absolute, the distinction of the three orders of the state, respect for the religion of our forefathers, the maintenance of the parliaments and other tribunals, the division of the provinces, and the preservation of their customs and privileges, the guarantee of rights and of property: no other innovation but the generous offer from the clergy and noblesse to divide with the third estate the impositions and public charges.

These representations were not a simple instruction to the deputies, but a law which they could not depart from without forfeiting the right of representing the provinces and the orders which had sent them. From the instant these faithless and perjured delegates proclaimed themselves legislators, they ceased to have a public character. The States General were put an end to, and with them the mission of the deputies, the day on which they declared themselves a *National Assembly*: for they had no authority but in the convocation of the king, and in the election of the bailiwicks. But the assembly, convoked by the king, and formed by the elections of the bailiwicks, was no national assembly, but an assembly of the three orders of the state.

The National Assembly itself was so persuaded that it had exceeded its powers, that, to preclude the reproach of incompetence, it thought proper to declare itself a *Constituent Assembly*. As if, to acquire a new right, and to place itself above those they represented, it were enough for their delegates to give themselves a new denomination; as if, an assembly, though constituent, could change the constitution of its country, I do not say, without the express consent, but contrary to the will of the whole nation clearly made manifest. It is an axiom of law and of reason that there is no greater defect than that of power. But the National Assembly had never the power of altering the constitution of the monarchy: it had not at the moment when it was formed into the States General; it could not afterwards arrogate to itself such a power, but on

the supposition of having the right to assume it, a supposition too absurd to deserve a serious confutation.

An argument so simple and conclusive must, one might think, have opened the eyes of all France. But the National Assembly had known how to surround itself with a force against which no argument could have any avail. All the passions, all the little interests were rallied about it: the vanity of the townsmen, the credulity of the lower people, the avarice of those who had capitals, the smattering of knowledge and utter corruption of the men of letters, the turbulent and seditious spirit of one sect exasperated by its foreseen reverse, and emboldened by the hopes that an impolitic edict gave it, Presbyterianism countenanced by another sect, which, to rise above the contempt into which it had fallen, aimed only to become conspicuous by its revolt against the Church; the love of novelty, and that restlessness of spirit so common in a frivolous nation, formed rather to feel than to think. From all these elements, combined by wicked hands, an opinion was advanced which the factious failed not to represent as the wish of the nation. From this period there was no longer any liberty in France: deliberation was supplanted by insurrection: the wise, the learned, the virtuous were silent, or were no longer vouchsafed a hearing: political questions were debated in the streets and in workshops; the public business was decided by number and force; in the whole extent of the kingdom, as in the National Assembly, votes were counted by heads; and the factious majority of the Assembly had no difficulty in obtaining a sanction to their decrees from an ignorant majority of the nation.

To conceal the original nullity of the constitution, and the radical incompetence of its authors, the multiplied addresses have been alledged, which, at a given point, came from all the municipalities of the kingdom, either to call forth or confirm the decrees of the National Assembly. Two reflections, however, will decisively shew that these attestations should be counted for nothing.

In the first place, this manner of signifying the national assent was illegal, unconstitutional, and essentially null. The nation, composed of three orders, was represented by its deputies: nought remained for it but to wait the execution of the mandates it had given; or, if it thought proper to impart any new instructions, the king's assent became necessary to a new meeting of the bailiwicks. The National Assembly, which derived its powers and its being from these parental assemblies, and which dreaded their superintendance, hastened to proscribe them. By this parricidal policy, it freed itself from all responsibility towards its constituents; but it at the same time annihilated the only title which could legalize its transactions. The tumultuary meetings of townsmen, work people, and rustics, which succeeded to the assembled bailiwicks, had no more the right of voting on the transactions of the National Assembly, than the right of representing the nation, essentially composed of the clergy, the noblesse, and the third estate. They held their pretended powers only from the National Assembly: they existed only by it, and from its decrees. It was but a puerile circle to pretend to render valid the decrees of the National Assembly by the adherence of *primary assemblies*, which were nothing more than the National Assembly showing itself under popular forms, and which, to withdraw itself from the disavowal of its constituents, ratified its own decrees, by appearing to submit them to a public revision.

In the second place, every one is acquainted with the intrigues, the expedients, the violences which predominated at the preparation of these adulatory addresses. The great part of them, fabricated in the offices of the National Assembly, were hawked through cities and villages by the deputies themselves, who promised, threatened, wheedled, and, with full hands, threw about money; hired emissaries tampered with the populace: the address came back to the assembly covered with unknown names: and a whole city learned from the journals, that it had voted an adherence to all the decrees made, and to be made, by the National Assembly. Such was the attestation in favour of the constitution, which was held forth as

the solemn homage of all France to the wisdom of our legislators by some of the wretched outlets of Paris, paid to appear in decent clothing, and who styled themselves the ambassadors of the universe. Will any one be enough hardy again to allege the oath so often repeated to maintain the constitution decreed in 1789, 1790, and 1791? That oath is a perjury, because it was contrary to the allegiance which all France owed to its king and the ancient constitution of the kingdom. It is no justification to say that the constitution was accepted by the king: besides that the king had no power to consent and legalize the abolition of the two first orders of the state, and the subversion of the monarchy, this acceptation, extorted from a king whilst a prisoner, was revoked by a public declaration, the moment he thought himself free. The oath is a nullity, because it had no immediate and determinate object; and because the constitution, which all France had sworn to maintain, was an absolute non-entity. Strange indeed would it be, if the authors of the constitution should, to favour it, call in the religion of an oath, who themselves commenced their legislative career with trampling upon the oath they had taken to their constituents; who had broken the very bond of an oath, by destroying, in the popular mind, those sacred principles whence all its force was acquired; who, in a word, have, by a new oath, proscribed that constitution they so often had sworn they to death would defend. The truth is, these oaths so scandalously multiplied, and which severally destroy one another, prove only, in those who dictated them, an abuse of the force, and in those who repeated them, nought but their enthusiasm, inconsiderateness, weakness, and fear.

The constitution, in its origin a nullity, was not ratified by the consent of the nation. In the actual state of things, it had against it all the voices which might have given it an ephemeral existence; and if any stress be laid on the suffrage of a stupid and ferocious populace, the authors of it stand condemned before that very tribunal they had the impudence to raise, and whose decisions they have consecrated, as many as they knew how to dictate. Let us see, however, what we are to think of the constitution considered in its principles.

By the principles of the constitution I understand nothing more than the liberty, equality, sovereignty of the people, right of insurrection and toleration, or rather the contempt and proscription of all modes of worship; in a word, the declaration of the rights of man. Upon this code of sedition and anarchy it was impossible that any solid government could be founded. But besides this fundamental vice, this constitution carried in it the very principles of inevitable and speedy dissolution. Such, amongst others, were two capital dispositions, one on the authority of the king, the other on the power of the people.

The constitution recognizes the king as an essential and integral part of the French government; in him alone resides the executive power; he is the supreme head of the army and tribunals, the hereditary representative of the nation, and, in this quality, a necessary member of the legislative body, whose deliberations have no legal force, till invested by his sanction. His person is inviolable: responsibility belongs only to his ministers. Such is the part that the Constituent Assembly, after having dethroned the king of France, condescended to give to the king of the French. But in this it is exposed to the reproach of doing too much, or too little, for its constitutional king; too much, if it meant the constitution to subsist; too little, to preserve the government monarchical.

Though the Constituent Assembly had often, and in the most solemn manner declared, that the French government was monarchical, it was easy to see that the principles and spirit of the constitution inclined to democracy; and all the forms prescribed for elections were evidently adapted to a popular government. But in a government of this nature, royalty, with all the prerogatives which the constitution had attributed to it, was not only useless, but a perpetual principle of intestine divisions. The king and the legislative assembly formed in the state two rival powers, which united by no bond, and having no intermediate power to preserve a counterpoise, and balance them, a continual conflict must have followed, till the entire destruction of one or the other must have ended in a

democracy, or despotism so much the more absolute, as in our ancient constitution, by the privileges of the two first orders, and by those powerful corporations, whose maxims and hereditary spirit opposed an insurmountable resistance to the arbitrary will of the sovereign.

But, by establishing this perpetual struggle between the legislative power and the executive, the National Assembly had contrived a certain and easy victory. Particular dispositions took from the king all those parts of the administration, which the general idea of the constitution seemed to have exclusively given him. The assembly which had divided the powers, to deprive the monarchy of the legislative, united them once more anew, to take from it the executive. Each day was distinguished by some new usurpation of the legislative body; and such, in fact, was the constitution of the French monarchy, that the King even enjoyed not the rights of a citizen. The necessity of the royal sanction had been decreed: this was the only barrier which the constitution had raised against the legislative Assembly. But to what was the right of consenting or refusing reduced in an imprisoned king, against whom each refusal was followed by a commotion, and to whom each commotion retraced the bloody image of his guards massacred at his feet? And had he felt the courage to reject, at the peril of his head, decrees impolitic or barbarous, might not the Assembly, who had the supreme control of the finances, the army, and opinion, have taken from the king the constitutional exercise of a prerogative it had confided to him, for no purpose but to legalize its encroachments? And hath not the popular will been at all times in the hands of the factious, who directed the movements of the populace and the deliberations of the Assembly?

On the one part, intelligent men saw nothing in the constitution but an incoherent mixture of the democratic spirit with monarchic forms. On the other, the mass of the people complained that they found not in it that liberty and power with which they were flattered.

The constitution established two classes of citizens: *active citizens*, who alone concurred actively and passively in elections; and *inactive citizens*, who, properly speaking, were but subjects, and enjoyed no right of the city. These two classes were separated by the quota of tax imposed; and though the decrees had extended the class of active citizens much further than was expedient for the good administration and tranquility of the state, it is not seen why, on the principles of the constitution, every Frenchman, whether proprietor or not, should not be acknowleged a citizen. After having laid it down as a fundamental maxim, that all men are born equal, and continue equal in rights, how durst the representatives of the people pronounce that the greatest part of the people should have no part in the exercise of the sovereignty? Was this the object of destroying what was called an aristocracy of birth and dignities, to substitute an aristocracy of riches?

Such a disposition could never subsist. The republican faction that began to shew itself, was armed, from the principles of the constitution, to combat the constitutionaries with advantage. The second legislature was borne along by the popular torrent. Every distinction between rich and poor was abolished: *equality* in the national oath supplanted the *constitution*; and that class of avaricious and short-sighted proprietors, the townsmen, who had applauded the ruin of the clergy and nobles, found themselves, in their turn, mastered by the populace, who, by the same title of number and strength, invaded every power, and authoritatively disposed of all property.

Thus the republic in 1792 sprang from the constitution of 1791, was fostered by its spirit and defended by its maxims. The constitution was guilty, not only of the crimes that established and supported it, but also of those which overturned it, and of that dreadful concatenation of horrors, which stands forth unexampled in the worst of times, and the most barbarous nations.

It is no justification to assert, that its decrees breathed nothing but order, liberty, personal safety, and respect for pro-

perty; that France would have ever been peaceable and flourishing, had its dispositions been followed; that the pillages, conflagrations, and massacres, are the crimes of the factions who subverted the constitution, and proclaimed anarchy under the name of the republic.

In the first place, I will ask the authors of the constitution, if, in taking upon themselves the daring commission of giving to France a new government, they became not responsible for all the consequences of so extraordinary an enterprize. Before the ancient constitution of the kingdom might be shaken, it was necessary to foresee and compute all the obstacles that interest, the spirit of communities, prejudices, and passions of every kind, could oppose to the wisest and best concerted plan. An artist, in constructing a vast machine, would be laughed at, were he to follow only the abstract principles of geometry, without attending to frictions and the resistance of mediums.

In substituting their own conceptions for the ancient laws, the reformers were not only obliged to give us laws more perfect, but also to establish their execution. 'In public matters, says MONTAIGNE, 'there is no course so bad, provided 'it hath age and constancy in its favour, which will not do 'better than change and disturbance. It is very easy to 'charge a police with imperfections; for all human concerns 'are full of them. It is very easy to propagate amongst a 'people contempt for old practices. No man ever undertook 'to do so, without succeeding. But to re-establish a better 'state of things than that they have ruined, hath non-plussed 'most that have made the attempt.' It is not enough to denominate a legislator, for a man to imagine and propose regulations: it requires the knowledge of accommodating them to every rational, political, and moral circumstance, that the nation may find it its interest to observe them. Every system of legislation that is not supported by this proof, is the produce of a presumptuous and criminal rashness. But the constitution hath never been observed: it failed before it was finished. Nothing further is requisite: its merits are decided. It were needless for me to hear the harrangues of those who

offer to prove that the constitution is more perfect than our government before it. A word will suffice to answer their reasonings: the French government, all barbarous as you term it, had subsisted with glory for fourteen centuries, whilst your sublime constitution could not support itself for the brief duration of as many months.

It was already an unpardonable crime in the Constituent Assembly to have sacrificed the happiness and tranquility of the state to its vanity, ambition, and the uncertainty of events. But what hath devoted it to the execration of posterity is, that all the crimes committed from that fatal moment when it seized on the sovereignty, are but the faithful imitation of its own operations, or the developement of those germs of anarchy, irreligion, and immorality, which it had sown in the constitution itself.

It is necessary to demonstrate that the Constituent Assembly gave the first example of rebellion; that it provoked, encouraged, rewarded the pillage of seigniories, the revolt of vassals, the mutiny of troops, and the combined furies of the populace against the victims marked by its emissaries. Every province, every city can loudly name those of its deputies who came periodically to rekindle their patriotism and blow up the coals of sedition: there will be no want of juridical proofs, when the day of justice shall begin to dawn upon France. Of the Constituent Assembly an account will be required of all the blood that hath flowed from the unpunished assassinations of De Fleselles and Launay to those massacres of September, when it is doubtful which most to detest, either the barbarity of the Marsellois, who put them to death, or the cowardice of the Parisians that suffered them; to those proscriptions that a Marat and a Robespierre constitutionally enjoined in the name of a free and sovereign people. Upon the Constitutional Assembly will also recoil the blood of Louis, Antoinette, and the virtuous, the angelic Elizabeth. It was the Constituent Assembly that delivered up those august victims, that prepared the scaffold, that pronounced the sentence; the National Convention but supplied the executioners.

The constitutionalists have attempted, but in vain, to throw upon the Jacobins all the crimes by which the history of the revolution is stained. Besides that themselves first set the example, it is notorious that respect for religion, and the sentiments of justice and humanity, were extinguished in the mass of the people by their very measures and decrees. All the difference betwixt them and the Jacobins is, that, when they saw the accumulated ruins that rose beneath their feet, they wished to stop and end the devastation; whilst the Jacobins, more intrepid in crimes, and consistent, determinately followed the course of the revolution. The declaration of the rights of man had laid the foundation of the republic, the constitution contained its germ; the Jacobins did no more than develope and mature it. If the people be sovereign, it might resume from its representatives the precious authority it had delegated to them; it might either name other ministers, or govern itself. After having destroyed the monarchy, it had an incontestible right to overthrow the constitution. Every government becomes legitimate the instant it is adopted: 'In every state, 'from principle,' 'says the author of the *Social Contract*, 'a 'people always possesses the uncontroulable right of changing 'its laws, even the very best. For if it chose to injure itself, 'who hath a right to hinder it?'

The revolution of 1793, and all that can spring from that chaos into which France is plunged, are justified from the great principle of the sovereignty of the people. The power of the people is essentially unbounded; it knows no law but its will, no morality but its passions; crimes take the character of civism, when that commands or executes them. The sovereign people is a suspicious and a relentless despot. It sees none but traitors and conspirators around it. Whoever becomes suspected is guilty; judicial forms would impede its march, and snatch from it its victims; it is at once accuser, judge, and executioner. When the country is in danger, and the people reign, the country is incessantly threatened; the property, the liberty, the blood of citizens belong to the republic, that is, the few villains that have had the craft to place themselves at the head of affairs. Hence the exactions, the

requisitions, the compulsive enrolments, the accusations, the proscriptions, the arbitrary imprisonments, the public places crowded with scaffolds, and all the horrors to which France hath been consigned, since it hath boasted the acquisition of freedom. Thus do the people govern. But whence caught the people the fatal ambition of reigning, unless from the constitution that put all power into their hands? The Constituent Assembly decreed the principle; the National Convention the consequences; and the people, in its convulsions and phrenzy, have but simply exerted the right that their legislators recognised in them.

CHAPTER X.

OF THE

FRENCH REPUBLIC.

WHILST the first National Assembly was erecting, upon the ruins of the monarchy, the pompous and frail edifice of the constitution, another faction, more wicked and subtle, were laying in obscurity the foundations of the republic. At the first signal of a revolution, in all the cities of the kingdom clubs or patriotic societies were formed; a vile collection of all the intriguers, the factious, and the profligate, who had ruined themselves by extravagance and debaucheries. Despised in the outset by all men of worth, but countenanced by the National Assembly, whose operations they powerfully seconded, by preparing the insurrections and crimes of which they had need, the clubs were not long in making themselves formidable bodies; they disposed of the opinion of the multitude, and their arms; they distributed amongst those who were affiliated by them, all the places of the new administration; they covered France with spies, delators, and assassins. They accelerated or suspended, at pleasure, the progress of the revolution. Violent promoters of the constitution, whilst they thought it necessary to complete the destruction of religion and the monarchy; they overturned this scaffolding of demolition, when they saw the ground cleared, leveled, and ready to admit the foundations of that systematic anarchy which was to bring to their hands all the power and the riches of the nation. 'Those,' says MONTAIGNE, 'who give the first shock 'to a state, are the first volunteers overwhelmed in its ruin. 'The fruit of commotion hardly ever remains with him that 'began it: he beats and troubles the waters for others to fish 'in.' The constitution had sacrificed the clergy to the avarice and vanity of the third estate: the populace, roused and led on by the Jacobins, resolved to effect a revolution, and the republic was proclaimed.

A republic founded on the notions of the sovereignty of the people and of equality, could be no other than a pure democracy. Besides, the republic was the creature of the multitude, and the multitude had never consented to divide the authority. But, in a republic from thirty to forty thousand leagues square, and peopled by twenty-four millions of men, it is impossible that the people themselves should exercise the functions of sovereignty. It was therefore requisite to adopt the representative government, and confide to a few of the citizens all the powers of the nation. This was to substitute aristocracy for monarchy, and annihilate political liberty by the very act that seemed to create it. 'For, as ROUSSEAU hath observed, 'at the instant that a people gives itself represen-'tatives, it is no more free; it is no more.' Under a representative government, the people is only free and sovereign at the instant it names its representatives. But for the greatest part of the people to what is the exercise of the sovereignty brought? To a blind nomination, and under the influence of a domineering faction, of the tyrants that are to oppress it. In a corrupt nation, popular elections produce but an execrable choice: the result of chance would be better, for it cannot cajole nor yet bribe.

The French republic is a monster in policy. Two obstacles incessantly oppose themselves to the establishment and solidity of this sort of government, the vast extent and population of France, and likewise the manners of the nation.

'All circumstances considered,' says again the author of the *Social Contract*, 'I do not see that it will hereafter be possible 'for a sovereign, that is, the people, to preserve amongst us 'the exercise of his rights, if the city be not very small.' By the forced concession of the legislator of the French revolution, the popular government cannot be admitted in a city of twenty four millions of inhabitants. The ancient republics of Greece and of Sicily would scarcely equal our cities of the second and third order. All the modern republics are of little extent, when taken in comparison with France; and the democratic are less than the aristocratic: the latter approaching

more nearly to monarchy, have a government more firm and active, and can embrace a larger territorial extent. A pure democracy, like that established by the constitution of 1793, would not suit even the city of Geneva.

The orators of the National Convention have frequently cited to the Parisians the example of the Romans. But this example, which is foreign to the French republic, as the government of Rome was aristocratic in part, again comes in to the support of the principle, that a great state cannot adopt the republican government. The republic, after its conquests, remained shut up within a part of Italy: the provinces were despotically governed by proconsuls: liberty existed in the centre, and tyranny at the extremities. Augustus, after arriving at monarchy, discovered a disposition to restore the republic: by this apparent magnanimity he would have done more evil to the Romans than he had done them by the cruelties of the Triumvirate. Rome, when small, poor, and virtuous, founded the republic. Rome, powerful, opulent, and corrupted, could be saved only by the government of an individual. *Discordantis patriæ non aliud remedium, quam si ab uno regeretur.* (TACITUS.) France, desirous of passing from a monarchical to a republican regimen, was in circumstances precisely similar to those which forced the Romans to quit the republican, to subject themselves to a monarchy.

The Helvetic cantons, the provinces of the Low Countries, the United States of America, have been cautious not to constitute themselves a *democratic republic one and indivisible*. They remain divided into small states, and form federal republics, of which all the members, as in the Achaian league and the Germanic empire, are at once united by a common interest, and separated by different constitutions. Such also was the plan of the Calvinists, who, under Louis XIII. projected the dismemberment of the French monarchy. Less expert than our revolutionary philosophers in the art of overthrowing governments, they better knew that of rebuilding them.

Not only is France too extensive, but it is peopled by na-

tions too different to admit the possibility of being governed as a republic. This form of government supposes in the citizens at large an identity of manners, habits, and interests, and one jurisprudence in common: every diversity in either respect would be incompatible with republican equality. But never to this uniformity will France be reduced. The French empire acquired its greatness from a series of conquests, successions, and voluntary unions. Each province, before its accession to the monarchy, had its own jurisprudence, founded on ancient usages, the character of the people, the nature of the climate, and its territorial productions. The justice and the policy of our kings had constantly respected these local habitudes, in the subjection of them to those general laws which the unity of government required. Never did they attempt to compel nature and opinions, to give the people of the north the manners of the south. By the revolutionary concussion all hath been confounded: the levelling of these equalizers hath caused, in an instant, those inequalities to vanish, which had been produced by the slow operations of ages and of climate. But, besides that violence is more proper to confirm than destroy ancient and popular habits, physical and moral causes will resume their empire; and that forced assemblage of municipalities, districts, departments, the republic one and indivisible, will be parcelled out into a multitude of petty independant and hostile states; at least the provinces, understanding their real interests, will unite only in unanimous revolt against the tyrants that have deprived them of their government, their priveleges, and their very name.

The republican government, as the author of *The Spirit of Laws* hath excellently proved, more than every other requires virtue both in the governors and the governed. Upon this ground alone, it suits not with France. Luxury, the love of money, depravity of manners, licentiousnes of opinions, and, above all, philosophic egotism, that cold poison which kills all the social affections, have been the real causes of our revolution. The nation was too vicious to support even that form of government which demanded the least of virtue: how then could it be restrained by democratical government, which, of

all others, requires the most? Disinterestedness, the spirit of frugality, and genuine patriotism, make no part in the character of a nation that has lost its morals. No law, no constitution can restore those virtues which are so useful in all governments, and so necessary in a republic.

When, by the united action of every physical and moral cause, during thirteen or fourteen centuries, a national character is formed, and a public spirit, the attempt at a stroke, to give such a nation an opposite character and spirit, can be but a chimerical enterprize. The laws of to-day will have no accordance with the morals, the manners, and opinion of a people, that, for a long train of ages, hath been governed by laws totally different. If the new laws be better than the old, they can never be established, because it will be impossible for them to correct the vicious morals and false opinions with which they will clash. If they be pernicious, or less good than the old, they will accomplish the ruin of morals and opinion. Thus the decrees on the emancipation of minors, and on divorce, have carried into all families that insubordination and licentiousness which have subverted the state. For a corrupt people, there is no alternative between absolute government and anarchy. It is from a continual debasement of morals, especially in rich, commercial, and industrious nations, that their governments are constantly seen to become gradually more contracted, that is, to pass from the many to a few, from democracy to aristocracy, from aristocracy to royalty. 'It is,' 'as ROUSSEAU hath very well observed, 'their natural incli-'nation. If the government should go backward from the 'few to the many, it might be said to relax itself: but this 'inverse progress is impossible. In reality, the government 'never changes its form but when the spring of it is too much 'weakened in the wear to retain its elasticity; and if it relax 'in the stretching, its force would be ineffectual, and itself 'could no longer subsist. It is necessary then to rewind and 'compress the spring in proportion as it gives way, otherwise 'the state which it supports would fall into ruin.'

What a people, and what a moment have our legislators

chosen to give the theory of their philosophy a trial! France was a body brought low by the abuse of its strength, but possessing a vigorous constitution, which judicious regimen could have well recovered. Empirics undertook its regeneration, but with skill only to imitate those daughters in the fable, who, to restore their father to youth, cut asunder his throat, and dismembered his carcase. Into a nation arrived at the utmost bounds of civilization they have introduced principles which would scarcely suit even savage hordes when first drawn from their forests. They have taken from the French what moral principles remained, to bring them to a form of government requiring the austerest manners. Of a people of Sybarites they have made Cannibals: and thus have they prepared for it a liberty that the virtue of the Spartans could scarcely support! And this amidst a war to which they have provoked all Europe, and in which they have purchased their success by the depopulation of their country; it is, when all France, like a besieged city, is a prey to the horrors of famine; when its finances, its credit and its commerce are abolished; when every passion is called forth, every spirit exasperated, when rage and despair are in every heart; then is it that they cooly meditate the function of a government, which, beyond all others, takes for granted the accordance of every interest, and the concert of every will! Let us oppose to them once more the authority of their oracle. 'Usurpers,' says ROUSSEAU, 'always bring 'on, or choose those times of trouble, to procure, under the 'favour of public alarm, such destructive laws as the peo-'ple in cold blood would never have adopted. The choice 'of the moment of institution is one of the most certain cha-'racters by which the work of a legislator may be distinguish-'ed from that of a tyrant.'

The French republic hath hitherto subsisted, only because it hath no laws nor government, and because regrets, jealousies, and discontents have been prevented or smothered by enthusiasm or terror. The moment when the republican constitution is proclaimed will be the epoch of the fall of the republic, because a constitution, however popular it is supposed, must tend to the restoration of order, and because the people are

attached to the republic, for the licentiousness they promise themselves from it. The constitution of 1791 fell piece-meal asunder, when attempted to be put into action. The same fate awaits the republican constitution: the National Convention are not ignorant of it; and it was not without powerful reasons that the bringing forward the great work of organizing the government was so long deferred. For almost three years it had made no law but for emergencies: decrees were issued on decrees, to explain how, and under what pretexts it reserved the right of taking away the property, the liberty, and the life of citizens: to assassination it hath given juridical forms; it hath digested a code which might have taught Sylla and the Triumvirs to have exercised their proscriptions with more refinement, and not less cruelty; that might have taught Tiberius the art of encouraging delators, and made the whole nation at once the accomplice or victim of tyranny. These provisional, or revolutionary laws, as the Convention hath styled them, may afford us some idea of their destined constitution: but, in a word, this constitution is still promised; and what hath been hitherto called the republic, is only a bloody anarchy, in which, during a few months, France, by the sword of the law, hath lost more innocent persons, than it saw criminals perish from the very foundation of its monarchy.

The faction which at present reigns in the Convention, throws all these horrors on the memory of Robespierre. It thinks itself justified by the excision of that abominable villain: it vaunts itself on having destroyed the reign of terror, to establish that of justice and moderation.

Great God! what justice, what moderation. Religion, dissolved in tears, implores her ministers and altars in vain; the patrimony of the Church and its families, the pillage of temples and of seigniories, are still the prey of ravagers; with our princes, with the noblesse, honour is banished from France: a second regicide hath been perpetrated—and dare they speak of moderation and justice?

If the thirst for blood be apparently assuaged, it is not to

the justice, the humanity of the Convention, but to its policy and its danger that it must be ascribed. Whilst tyranny bore hard on opulence and virtue, the Convention strained every nerve to second its efforts; it prepared the crimes of Robespierre by its decrees; it perpetrated them by its commissioners. But when, in its turn, it saw itself menaced, when of its members numbers read their names in the list of proscription, the Convention divided, the dictator was assassinated, and the predominant faction proclaimed, as an act of justice, the punishment of a monster it had sacrificed only to its own security. Under Robespierre, the Convention had made terror the order of the day; to justify his death, and make popular the new revolution, it was necessary to slacken the spring of tyranny, which very soon of itself would have broken. Like one accused led back from the question, to beplunged again into his dungeon, France felt grateful to her executioners for the suspension of her torments: she fancied herself almost set free, because despotism had put on a mask less atrocious.

Some persons have feared lest the Convention, by that sort of justice and moderation with which it followed the ferocious government of Robespierre, should succeed in giving consistency to the republic. These fears, however, are groundless. After the death of Charles I. England was soon cloyed with republicanism: under the modest name of Protector it gave itself a despot, and at last thought itself happy to place on the throne the son of that king it had seen perish on a scaffold. The extent of France, its population, its continental position, its relations with other states, the character and real manners of the nation, forbid it, still less than England, to seek any where but in a monarchy for tranquility at home, or consequence abroad.

Beside these natural obstacles, there are others that spring from the revolution itself. Licentiousness under the name of liberty, insubordination under that of equality, revolt calling itself insurrection, and irrreligion and immorality, toleration and philosophy; these are the principles which produced the revolution. But I would ask any man of reflection what consti-

tution, what government can be established upon such foundations? How can legislators, who are no more than mandatories and deputies of the people, ever gain such an ascendancy over them as to bend them into submission, from respect to order and property? Or whence derive the force requisite to constrain them? By what prodigy make the republican government flourish without virtue? By what still greater prodigy give morals to a nation they have initiated into the mysteries of Atheism? The people of Rome asked only, from Nero and Domitian, for bread and for shows, *panem et circenses:* the populace of Paris demand bread, shows, and blood. What is the public welfare to them, provided they be fed and amused? Of what import liberty, if it be aught but licentiousness and impunity? Never will there spring, from the principles of the revolution, however they be modified, any other political system than a persevering anarchy. The French republic will constantly be torn by two irreconcileable parties—the reigning faction, which will strive to annihilate that sovereignty of the people, that right of insurrection, which can subvert that of the throne, the more easily because they placed not the throne upon it; and the opposition party, which will never cease to invoke those disorganizing principles, to avail themselves of the public power.

It is a fundamental maxim in polity, that the government should have as much more force, as morals, religion, and public spirit had less. But in the present state of France, the influence of religion, morals, and public spirit is nothing in respect to the government. For that ferocious enthusiasm which licentiousness and plunder have kindled, and which the sentiment of calamity is daily repressing, I call not public spirit. It is then requisite that the French republic should again find in the force of government that which it wants on the side of opinion. But first, democracy is, by its nature, the weakest of all governments, and the French democracy, from the vice of its principles, of all democracies the weakest. Never was there less proportion between the force of command and that of resistance. It requires only to leave this government to itself, to see it instantly dissolve. Hitherto it appears to have

supported itself by the means only it has borrowed from despotism, by laws more atrocious than those of Japan, by terror and torments.

The whole force of the Convention resides in those innumerable armies with which it has divided the riches of France, and of those countries that had the imprudence to invite them. The French republic is no democracy: it is a *military oligarchy;* that is, a composition of two governments the most essentially vicious, a tyranny a thousand times more oppressive than that of a Sultan surrounded by his janissaries. The wants of a despot and his whims have their bounds; his interest will bring him oftentimes back to justice and humanity; a bad reign leaves the hope of one less pernicious. But in an assembly of seven hundred tyrants the passions are insatiable; pity, shame, remorse, are not felt; individual enmities take in whole families; the spirit of tyranny never dies; the oppositions of interests beget civil wars, their union reinforces and aggravates oppression. When Cromwell broke up the Republican Parliament, England again began to breathe, because it passed from many tyrants to one. If France, on the contrary, after the punishment of Robespierre, saw the furies of tyranny relent, it was because that atrocious man, being destitute of genius, knew not how, like Cromwell, to procure the freedom of his usurpation, by a contrast of clemency to the cruelties that preceded. It was because that, being too weak of himself, he could not aspire to the perpetual dictatorship without declaring himself the head of that sanguinary faction under which all France had been bent. It, in a word, was, because his accomplices, becoming his assassins, hastened to turn aside on his memory all the hatred and the vengeance, that so many crimes had called down on their heads.

But the moderation which they so proudly affect, and that justice whose language they assume, have no place in their hearts. Policy ever interdicts all return to humanity; the reins of government will soon fall from their hands, if they dare to be moderate and just. Let them hate us, provided they fear us, *oderint, dum metuant*, is the device of tyrants.

The Convention, degraded and detested, owes only to fear and to stupor the part of their power that remains; they must oppress, or perish. But when it broke the sceptre of iron it had placed in the hand of Robespierre, it lost the instrument and prop of its own domination. No longer hath it the power of erecting scaffolds: terror will no more be the order of the day: the nation will no more suffer decimation by forced enrolments and arbitrary proscriptions. Men already are permitted to think, to speak and to write. The public opinion, which is loudly decisive for justice, hath dragged after it the Convention itself, and extorted from it those retrograde decrees, in opposition to the spirit and interest of the revolution.

In a while, that people, whom artifices not less subtle than profligate, had thrown from their character, will resume their former suavity, and the loyalty so natural to them. It will of itself abdicate that imaginary sovereignty which hath reduced them to a slavery the most harsh and ignominious. Six years of anarchy have taught them what it costs a nation that revolts, to surrender itself to the spirit of system and innovation. They will find it high time to replace the public tranquility on a solid and experienced basis, and to return to the government of their fathers, to those ancient forms which have been consecrated by the character, the manners, and the habits of the French, and justified by fourteen centuries of glory and prosperity. Ere long, the whole nation, yielding to the voice of interest, honour and religion, and separating its cause and its destinies from those of the regicides, will throw itself with confidence into the arms of its king, who, like Henry the IV. would only conquer to pardon; who, in imitation of Louis XII. would only reign to be the father of his people; who, heir to the sentiments of Louis XVI. as well as to his crown, would only use the supreme power to execute, for the happiness of France, the last wishes expressed in his immortal testament by that martyred king.

THE END.

MVSEVM
BRITAN
NICVM